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ABSTRACT

The 1996 session of the North Carolina General Assembly enacted legislation, The School-Based Management and Accountability Program (the ABCs plan), an educational reform initiative designed to improve student performance. The accountability model for the public schools in kindergarten through eighth grade is designed to provide focus on the basic subjects of reading, writing (communication), and mathematics, while increasing local control and flexibility. This document provides school personnel, local boards of education, and others with information necessary to implement the ABCs plan. It outlines actions required in Senate Bill 1139 and offers suggestions for implementation processes. A glossary and list of contact resources are included. The appendices contain sample forms, worksheets, suggested actions and procedures, sample teacher and student evaluation systems, and a copy of Senate Bill 1139. (LMI)

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School-Based Management & Accountability Procedures Manual



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INTRODUCTION

The 1996 session of the North Carolina General Assembly enacted legislation, The School-Based Management and Accountability Program (the ABCs plan), that will significantly impact the public schools in North Carolina. The primary intent of the legislation is to establish an educational reform initiative that will result in improved student performance. The accountability model for the public schools in kindergarten through eighth grade is designed to provide focus and emphasis on the basic subjects of reading, writing (communications), and mathematics, while increasing local control and flexibility.

The legislation clearly defines and outlines The School-Based Management and Accountability Program and states that the program "... shall be based upon an accountability, recognition, assistance, and intervention process in order to hold each school and the school's personnel accountable for improved student performance in the school." Beginning with the 1996-97, this legislation will apply to all K-8 schools. The accountability portion of the legislation will not apply to high schools until the beginning of the 1997-98 school year. Lessons learned from the LEAs that piloted the ABCs and from discussions with various groups of educators and citizens across the State became the basis for legislation that would put the ABCs plan in place statewide beginning with the 1996-97 school year.

This document, the *School-Based Management and Accountability Procedures Manual*, is intended to provide school personnel, local boards of education, and others with information necessary to implement the ABCs plan as drafted by the State Board of Education and ratified by the General Assembly. The Manual outlines those actions that are required in Senate Bill 1139. It also offers suggestions for processes that may facilitate the implementation of the ABCs, though not required in the legislation. It does not set forth prescribed processes for implementing the law; instead it explains the law's expectations and provides suggestions where appropriate. In keeping with the concept of local control, all guidelines were consciously written to give each school as much flexibility as possible in implementing SB 1139. Each major component of the legislation is addressed, and input was sought from nearly every division in the Department of Public Instruction and the State Attorney General's Office.

As we work together to improve the educational outcomes of North Carolina's public schools, we hope this manual will serve as a useful resource.

EXECUTIVE SUMMARY

Senate Bill 1139, also known as the ABCs plan, was ratified during the 1996 session of the General Assembly. The law mandates several key provisions related to implementation of the ABCs. Although the law also includes several other provisions such as character education and reading instruction, this manual addresses only those components specifically related to the ABCs. Specifically, the legislation

- creates the School-Based Management and Accountability Program with the primary goal of improving student performance
- requires the State Board of Education to adopt guidelines to assist local boards of education in the development and implementation of this program, to recognize schools that meet or exceed their goals, to identify low-performing schools, to establish assistance teams, and to establish a process to resolve disputes between local boards and schools in the development and implementation of plans
- requires all schools to participate in the School-Based Management and Accountability Program
- provides for maximum flexibility in the use of funds and for waivers of State laws, rules, or policies
- allows a school improvement plan to be in effect for no more than three years but allows amendments to the plan as often as necessary or appropriate
- requires 75% of staff development funds to be allotted to schools
- requires the State Board of Education to set annual performance standards for each school and to make financial awards to schools that achieve a level of growth greater than the expected growth standard (110% of expected growth) as determined by the State Board
- requires the State Board of Education to identify low-performing schools and to assign assistance teams to those schools, giving priority to those low-performing schools where the educational performance of students is declining
- provides procedures for the State Board to dismiss principals, teachers, assistant principals, directors, and supervisors in low-performing schools and for the State Board to assign an assistance team. The State Board
 - i. shall suspend with pay such a principal who has been assigned to a school for more than two years before the school is identified as low-performing and an assistance team has been assigned
 - ii. may suspend with pay such a principal who has been assigned to such a school as identified above for no more than two years
 - iii. shall dismiss a teacher, assistant principal, director, or supervisor when the State Board receives two consecutive evaluations that include written findings and recommendations from the assistance team regarding that person's inadequate performance

- provides an opportunity for a hearing before the State Board of Education, and requires the State Board to adopt procedures to ensure due process rights are afforded to persons recommended for dismissal. The State Board may appoint an interim superintendent and may suspend any of the powers and duties of the local board
- allows the State Board to grant waivers to local boards for the principals' salary schedule to provide financial incentives that encourage principals to accept employment in a school identified as low-performing
- allows local boards of education to establish community media advisory committees to investigate and evaluate challenges to textbooks and supplementary instructional materials
- prohibits principals from requiring additional testing of students entering from nonpublic schools if test scores from nationally standardized tests are available that are adequate to determine the appropriate placement of the child
- requires local boards of education to evaluate teachers annually unless the local board adopts rules that allow specified categories of teachers with career status to be evaluated less frequently
- allows flexibility to LEAs in the scheduling of teacher work days missed as a result of hazardous weather and other unforeseen circumstances
- allows local boards of education to enter into lease purchase and installment purchase contracts for automobiles; school buses; mobile classroom units; photocopiers; and computer hardware and software, and related support services
- requires the State Board of Education to develop and implement a pilot program in 12 LEAs to allow the purchasing of supplies, equipment, and materials off State term contract if the
 - i. cost of the item is less than the cost under the State contract
 - ii. cost does not exceed \$10,000
 - iii. LEA documents and reports savings
- allows the State Board of Education to extend the pilot program for purchasing supplies, equipment, and materials off State term contract if the Board determines that the pilot is effective, efficient, and in the best interest of the public schools
- allows local boards of education to approve and use textbooks not adopted by the State Board of Education
- requires the State Board to develop a plan that encourages teachers to seek employment or remain employed in schools identified as low-performing.

MISSION OF THE PUBLIC SCHOOL COMMUNITY

§ G.S. 115C-105.20. The primary goal of the **School-Based Management and Accountability Program** is improving student performance.

Belief Statement

The General Assembly believes that all children can learn. With this as a guiding mission, the State Board of Education is charged with developing a school-based management and accountability program with improving student performance as the primary goal.

MISSION OF THE PUBLIC SCHOOL COMMUNITY

The mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential.

Guiding Principles

From this mission, several principles were developed to guide the School-Based Management and Accountability Program (the ABCs plan).

- The ABCs plan sets standards for student performance and growth in the basics that are the foundation for further learning and achievement.
 - The accountability system in the ABCs plan is designed to result in improved student performance.
 - Schools and districts are accountable for the education of all students.
 - The ABCs plan should provide instructional, programmatic, and financial flexibility for schools and school systems that meet standards for performance and growth.
 - The ABCs plan relies on local schools and school districts to involve all parents, teachers, and community representatives in the planning process and to develop and implement local accountability and program evaluation systems that complement the State ABCs plan.
 - The ABCs plan recognizes the public's right to know the performance of local schools and school districts. School report cards will include summary data about the status of all schools on indicators in the ABCs plan. Data will be reported to the State Board of Education and will be made available to parents and to the public in general.
-

MAJOR IMPLEMENTATION COMPONENTS

§ G.S. 115C-105.20. The **School-Based Management and Accountability Program** directs the State Board of Education to adopt guidelines to support local boards of education and schools in implementing the program.

Guidelines

As **required by legislation**, the State Board of Education must adopt guidelines to

- assist local boards and schools in the development and implementation of school-based management
- recognize the schools that meet or exceed their goals
- identify low-performing schools, and create assistance teams that the Board may assign to these low-performing schools
- include on the assistance teams currently practicing teachers and staff, representatives of institutions of higher education, school administrators, and others the State Board considers appropriate
- enable assistance teams to make necessary recommendations
- establish a process to provide for the final resolution of disputes between local boards and schools in the development and implementation of school improvement plans.

Local Participation

As stated in the law, all LEAs are **required to participate** in the School-Based Management and Accountability Program. The program is based on 4 processes which will hold each school and the school's personnel accountable for improved student performance in the school. The processes are accountability, recognition, assistance, and intervention.

Increased Local Control

The School-Based Management and Accountability Program provides increased local control of schools. Local boards of education

- are allowed increased flexibility in the expenditure of State funds, in accordance with budget flexibility guidelines
 - may be granted waivers of certain laws, regulations, and policies that may inhibit their ability to reach local accountability goals, as outlined in the law in G. S. 115C-105.21B.
-

BUDGET FLEXIBILITY

§115C-105.21.A. Budget Flexibility provides for maximum flexibility in the use of funds. When a school improvement plan is accepted under G.S. 115C-105.22, the local board of education may transfer and approve transfers of funds between funding allotment categories, subject to the following limitations:

Teacher Assistants

No waiver is required to transfer State funds appropriated for teacher assistants in grades K-3 to teacher positions, if included in the school improvement plan. Only vacant positions may be transferred. (Grade placement cannot be waived.)

Classroom Materials/ Instructional Supplies/ Equipment

No waiver is required to transfer State funds allotted for classroom materials/instructional supplies/equipment to textbooks, if this is included in the school improvement plan.

Textbooks

No waiver is required to transfer State funds allotted for textbooks to classroom materials/instructional supplies/equipment, if this is included in the school improvement plan.

Noninstructional Support Personnel

No waiver is required to transfer State funds allotted for noninstructional support personnel (clerical, custodians, and substitute pay) to teacher positions (any grade), if included in the school improvement plan. **No other waiver/transfer of these funds is allowed.**

Central Office Administration

Funds cannot be transferred into the central office administration category.

Exceptional Children and Driver's Education

Funds allotted for exceptional children, including Willie M. and driver's education cannot be transferred.

Classroom Teachers

Classroom teacher funds **can only be transferred** for classroom/instructional supplies/equipment, exceptional children teachers, at-risk teachers, and textbooks.

Vocational Education

State funds allotted for vocational education may be transferred.

Career Development

Career development funds cannot be transferred.

WAIVERS OF STATE LAWS, RULES, OR POLICIES

§115C-105.21.B. Waivers of State laws, rules, or policies. Waivers may be submitted by local boards of education when included as part of an accepted school improvement plan. Waivers will be granted only for the specific schools for which they are requested and must be used only under the specific circumstances for which they are requested.

How to Request Waivers

Local boards of education may request waivers of State laws, rules, or policies on the behalf of specific schools using the following procedures:

- Identify the school.
- Describe what inhibits the school's ability to improve student performance.
- Identify the waiver you are requesting.
- Specify how waiver will be used.
- Explain how waiver will permit the school to improve student performance.

When the superintendent and the local board of education have approved school improvement plans, waivers that require approval by the State Board of Education should be summarized on the *School-Based Management and Accountability Program Summary of School-Based Waiver Requests for 1996-99* form and submitted to the North Carolina Department of Public Instruction, Office of Instructional and Accountability Services (OIAS) for review. OIAS will determine if identified laws, rules, or policies should be waived and to what extent and will send its recommendation to the State Board of Education for acceptance or rejection. **NOTE: All waivers for 1993-96 school improvement plans expire upon approval of plans for 1996-99.**

The State Board of Education will approve or reject the request for waivers submitted by the Office of Instructional and Accountability Services for the specific schools, then the local board of education will be notified.

Upon notification of approval, the local school system must complete a *Transfer of Funds* form for approved waivers (copy of the form is located in the appendices of this manual). The completed form must be submitted to the Department of Public Instruction's Office of Financial and Personnel Services in the Department of Public Instruction. Local school systems are then responsible for ensuring that the approved transfer goes to the specific school that requested it.

**Waivers That May Be
Granted**

Waivers may be granted for the following:

- Class size in grades 4-12 (this excludes class size limitations in grades K-3)
 - Teacher certification
 - Duty free period for classroom teachers
 - State rules and policies.
-

**Waivers That Will Not
Be Granted**

Waivers will not be granted for the following:

- State salary schedules and employee benefits
 - Instructional program required under the Basic Education Program (BEP)
 - System of employment for public school teachers and administrators (G.S. 115C-287.1 and G.S. 115C-325)
 - Health and safety codes
 - Compulsory attendance
 - Minimum lengths of the school day and year
 - Uniform Education Reporting System
 - G.S. 115C-12(16)b. regarding the placement of State-allotted office support personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the State Board
-

**Waivers That Affect The
Central Office**

School systems may request waivers of State laws, rules, or policies that affect the organization, duties and assignment of central office staff only. **However, none of the duties to be performed under G.S. 115C-436 may be waived.**

**Financial Incentive
for Principals**

Local boards may submit waiver requests related to the placement of principals on the State salary schedule for public school administrators. These requests must be made to provide financial incentives to encourage principals to accept employment in schools identified as low-performing under G. S. 115C-105.30.

DEVELOPMENT AND APPROVAL OF SCHOOL IMPROVEMENT PLANS

§115C-105.22. Development and approval of school improvement plans. In order to improve student performance, each school is **required** to develop a school improvement plan that takes into consideration the annual performance goals for that school that are set by the State Board under G.S. 115C-105.28.

Stakeholders Involvement in Plan Development

A **school improvement team** made up of the principal and representatives of assistant principals, instructional personnel, instructional support personnel (such as media specialists and counselors), and teacher assistants assigned to the school building, and parents of children enrolled in the school will develop a school improvement plan to strengthen student performance.

Parent Representation on the Team

Parent representatives on the team must reflect the racial and socioeconomic make-up of the student population. Also, school improvement team meetings must be held at times that are convenient for parents to attend.

School Improvement Plan Strategies

Staff Development Funds - The school improvement plan must include a plan for the use of staff development funds. The funds may be used in accordance with G.S. 115C-105.21.A.

Waivers - The strategies for improving student performance may include requests for waivers of State laws, rules, or policies that impede that school's ability to improve student performance. Requests for waivers must meet the requirements of G.S. 115C-105.21B.

School Staff Approval of the School Improvement Plan

The principal of the school must present the proposed school improvement plan to all of the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for their review and vote. **The vote must be by secret ballot.** The proposed plan must have the approval of a majority of the staff who voted on it. (A majority is one more than half of total number of staff.)

Local Board of Education Acceptance/Rejection of the Plan

The local board of education shall accept or reject the school improvement plan. It cannot make any changes in a school improvement plan that it accepts. If the local board of education rejects a school improvement plan, then

- it must state specifically why the plan was rejected

- the school improvement team may then prepare another plan, present it to the school staff for a vote, and submit it to the local board to accept or reject.

Resolution of Disagreements

If no school improvement plan is accepted by the local board of education within 60 days after its initial submission, the school or the local board may ask to use the process to resolve disagreements recommended in the guidelines developed by the State Board under G.S. 115C-105.20(b)(5).

- If this request is made, both the school and the local board must participate in the process to resolve disagreements.
- If there is no request to use this process, then the local board may develop a school improvement plan for the school.

Process to Resolve Disagreements

When the local board of education does not accept a school's improvement plan within 60 days of its initial submission, the local board or the school may request the State Board of Education to mediate the disagreement. The following guidelines will apply:

- The principal of the school or the local board of education must submit a request for mediation to the Office of Instructional and Accountability Services.
- The request must include a summary of the dispute issues and be signed by both the school principal and chair of the local board of education (copy of the *Request for Mediation* form is located in the appendices of this manual).
- The Office of Instructional and Accountability Services will review the request and inform the principal and local board of education of the location and time for the mediation.
- Individuals selected as assistance team members under G. S. 115C - 105.31 will serve as the mediators.
- Each of the parties will be encouraged by the mediator to fully explain their positions/perspectives.
- The disputants will be encouraged to talk to one another to identify their priority of underlying needs and to brainstorm some ways of meeting the needs of both.
- The mediator will help the disputants identify options for solving the disagreement.
- The mediator will determine if the disputants can come to an agreement. If so, the mediator will suggest language and write the agreement; however the parties involved must agree on each part.

- The agreement will be signed by each party and become part of the school improvement plan. The plan must then be approved by the local board of education.
- In the event the disputants cannot come to an agreement, the local board of education must develop the school improvement plan.

Duration, Amendments and Revision of the Plan

A school improvement plan will remain in effect for no more than three years; however, the school improvement team may amend the plan as often as is necessary or appropriate. The local board of education may vacate relevant portions of the school improvement plan that are unlawful and/or impede student performance at a school and direct the school to revise those portions. Amendments and revisions to the plan must follow the same procedures as those set for plan approval.

SUGGESTED ACTIONS FOR DEVELOPMENT OF THE SCHOOL IMPROVEMENT PLAN

Goals other than annual performance goals may contribute to the general improvement of the school and student performance and may be included in the school improvement plan. Although schools are not required to follow a specific format for school improvement plans or a specific planning process, they may choose to follow processes delineated in earlier reform initiatives in North Carolina; i.e., Effective Schools, Site-Based Management, or Total Quality Education.

All of these programs contain some version of the following generic planning process such as the Planning Cycle Phases found in the *Chapter 1 School Improvement Planning Guide*:

- assess needs
- seek information
- establish priorities
- develop plans
- implement plans
- evaluate plans
- review plans (annually, if not sooner)
- communicate results.

Planning is meant to be a vital process, capturing the on-going changes that a school makes as it works toward improvement. In addition, the development of improvement plans is a unified group effort by all specified members of the school improvement team.

PLANS AT THE SCHOOL LEVEL

To facilitate the plan approval process, the school improvement team may distribute plans prior to voting for school staff review/study.

SUGGESTED ACTIONS ON PARENTAL INVOLVEMENT

The following are key attributes for parents to possess when considering members for the school improvement team:

- Commitment to attending regularly scheduled meetings
- Commitment to continuous training in consensus building, problem-solving, and group dynamics
- Belief that people working together on common concerns overcome the sense of being in separate camps
- Belief that community support and involvement contribute to the continuous improvement of the school
- Willingness to leave personal and/or single agenda outside the meeting room
- Commitment to representing *all* the parents of the school
- Awareness of NC legislation on School-Based Management and Accountability Program for 1996
- Awareness of the issues facing the schools today.

INCLUSION OF A SAFE SCHOOL PLAN

The State Board of Education recognizes that fear affects the ability of students to learn and teachers to teach. The progress of a school toward its annual performance goals can be affected by how safe, secure and disciplined the school is. In order to create learning environments that are orderly and purposeful places, schools should have a written plan for the safety and security of personnel and property and appropriate staff development to enable teachers and administrators to carry out the plan. A safe school plan should be **one component of the overall planning and evaluation processes** established within the school

Inclusion of a Safe School Plan *Continued*

The planning process for a safe school plan typically includes the following:

- Develop a vision and set goals.
- Collect and analyze data.
- Identify needs, priorities and objectives.
- Select and implement activities.
- Evaluate and refine the plan.

The framework for a safe school plan includes five components that interact and affect the overall safety of the school. These five components are the

- physical environment
- school's social/cultural environment
- academic and special programs
- leadership and management within the school
- family and community.

The Department of Public Instruction's Safe Schools Team will assist schools in the development, implementation, and evaluation of efforts to reduce school disruption, crime and violence.

SUGGESTED ISSUES FOR LOCAL BOARD OF EDUCATION TO CONSIDER

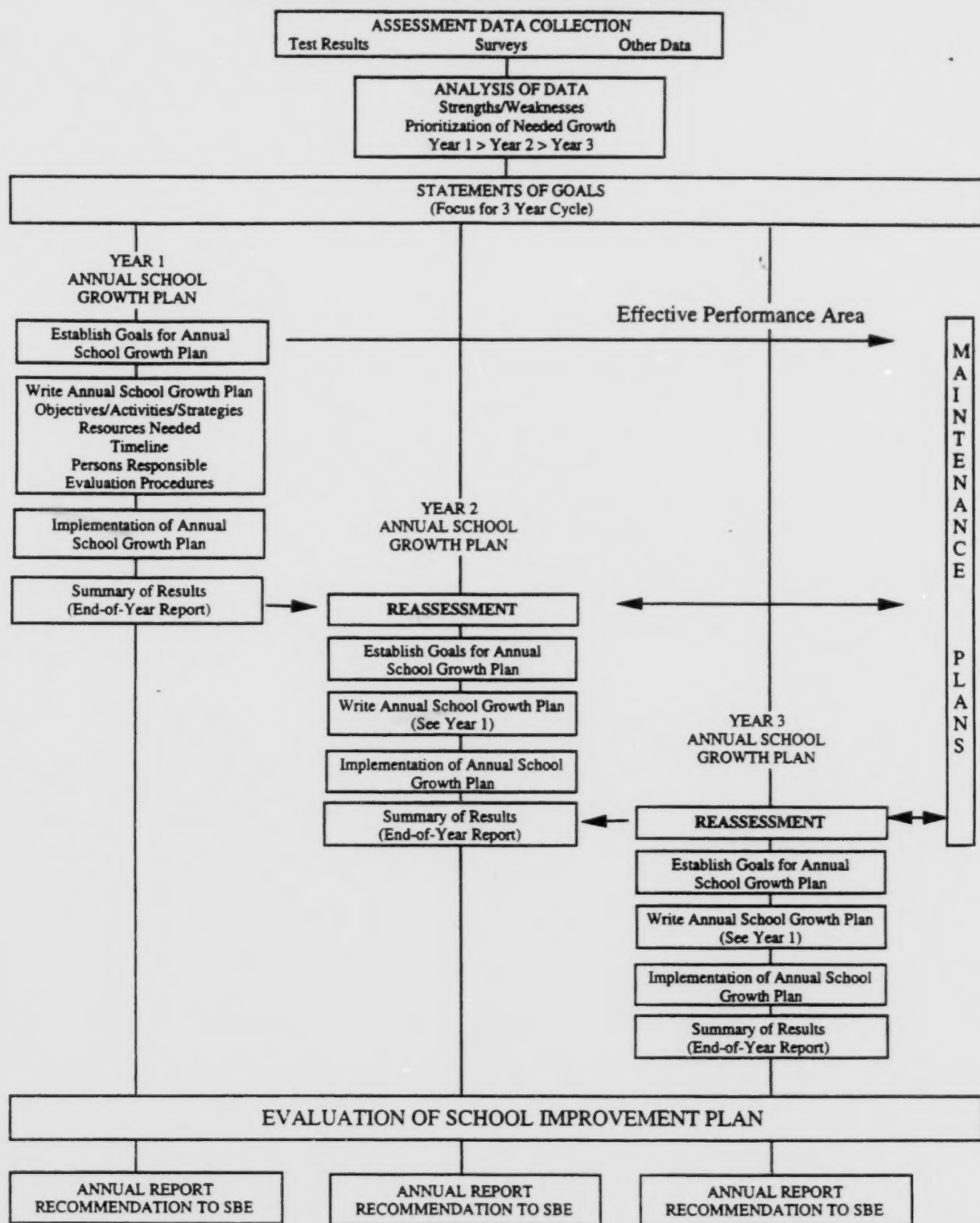
- A local board of education should accept the responsibility of providing a forum for the school's staff to report progress and goals.
- A local board of education must lead by enunciating a visionary mission statement and by setting goals that stretch the abilities of the school's staff.
- A local board of education should accept a coordinating role that focuses on results rather than process.

Availability of the Plan

The principal is **required by law**, G. S. 115C-288(h), to maintain a copy of the school's current budget and school improvement plan, and to allow parents and other interested persons to review and obtain copies of them in accordance with Chapter 132 of the General Statutes.

The following describes a three-year school improvement planning process that schools may find useful. The process below is provided as a suggestion. Schools are not required to follow a specific process.

SCHOOL IMPROVEMENT PLANNING PROCESS



DISTRIBUTION OF STAFF DEVELOPMENT FUNDS

§115C-105.25. Distribution of Staff Development Funds. Requires the local board of education to distribute seventy-five percent (75%) of the State staff development funding allotment to the individual schools for use in accordance with their school improvement plans.

Use of Funds

Any State funds the local board of education makes available to an individual school must be used to implement the school improvement plan. The school improvement plan must include a plan for the use of staff development funds.

Disclosure of Funding Allocation

By October 1 of each year, the principal must disclose to all affected personnel the total allocation of all funds available to the school for staff development. The superintendent must disclose to all affected personnel the total allocation of all funds available at the system level for staff development.

Disbursement Reports

At the end of the fiscal year, the principal must make available to all affected personnel a report of all disbursements from the school staff development funds. The superintendent must make available to affected personnel a report of all disbursements at the system level of staff development funds.

SUGGESTED RESOURCES AND ACTIONS

No format or process for the development of a staff development plan is specified in the School-Based Management and Accountability legislation. However, schools may wish to use procedures explained in the *Standards for Staff Development* (Elementary School, Middle School, and High School Editions) developed by the National Staff Development Council during 1994-95 in cooperation with national educational organizations. It describes research-based practices that will enable a school to establish a cohesive and comprehensive professional development program. A generic process for determining staff development content parallels the planning process for improvement plans. Most planning processes contain some combination of the following elements:

- objectives
- activities
- strategies
- needed resources

Suggested Resources and Actions *Continued*

- timelines
- persons responsible
- evaluation procedures.

In addition, the *Standards for Staff Development* provides research-based information on models of staff development that expand options for activities beyond workshops - the most prevalent form of staff development in our state. The models include

- training
- individually-guided staff development
- observation and assessment
- development and improvement activities
- inquiry.

These models address long-term staff development focused on skills building, change of work behaviors, and maintenance of those skills and behaviors.

Additional information on the standards is available from the National Staff Development Council, P. O. Box 240, Oxford, Ohio 45056, 1 (800) 727-7288 or (513) 523-6029, fax (513) 523-0638, America Online screen name: NC, DC Havens.

CREATION OF THE TASK FORCE ON SCHOOL-BASED MANAGEMENT

§115C-105.26. Creation of the Task Force on School-Based Management. The State Board of Education is directed to create a task force on school-based management to advise it on development of guidelines, documents, and other efforts to assist schools in implementing school-based management.

Membership

The task force will be composed of twenty appointed members. They will include the following:

- Superintendent of Public Instruction
- One member of the State Board of Education
- One parent of a public school child
- Two at-large members appointed by the State Board of Education
- The President Pro Tempore of the Senate will appoint two members of the Senate; one member of a local board of education after receiving recommendations from the North Carolina State School Boards Association, Inc.; one local school superintendent after receiving recommendations from the North Carolina Association of School Administrators; one school principal after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals and the Division of Administrators of the North Carolina Association of Educators; one school teacher after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.
- The Speaker of the House of Representatives will appoint two members of the House of Representatives; one member of a local board of education after receiving recommendations from the North Carolina School Boards Association, Inc.; one local school superintendent after receiving recommendations from the North Carolina Association of School Administrators; one school principal after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals and the Division of Administrators of the North Carolina Association of Educators; one school teacher after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.

- The Governor will appoint one representative of business and industry
- The Board of Governors of the University of North Carolina will appoint one representative of institutions of higher education
- The State Board of Education will appoint one county commissioner after receiving recommendations from the North Carolina Association of County Commissioners.

**Term of Membership
and Vacancies**

Members of the Task Force will serve two-year terms. Vacancies in the appointed membership will be filled by the officer who made the initial appointment.

**Task Force Chairman
and Director**

All members of the Task Force will be voting members. The members will select a member of the Task Force to serve as its chair. The State Board of Education will appoint a director of the Task Force.

**Compensation for Travel
and Subsistence**

Members of the Task Force will receive travel and subsistence expenses in accordance with the provisions of G.S. 120-3.1, and G.S. 138.6.

**Task Force
Responsibilities**

The Task Force will advise the State Board of Education on

- Development of guidelines for local boards of education and schools to implement school-based management as a part of the School-Based Management and Accountability Program
- Assistance that the public schools may require to facilitate the implementation of school-based management
- Publications to be produced by the Department of Public Instruction on the development and implementation of school improvement plans.

The Task Force will report annually to the State Board of Education on the implementation of school-based management in the public schools on the first Friday in December. The report may contain a summary of recommendations for changes to any law, rule, and policy that would improve school-based management.

**Assistance by the
Department of Public
Instruction**

With the approval of the State Board of Education, the Department of Public Instruction will provide staff to the Task Force at its request.

ANNUAL PERFORMANCE GOALS

§ 115C-105.28. **Annual Performance Goals** require the State Board of Education to set annual performance standards for each school.

Focus on Student Performance

As **required by law**, the focus on student performance in elementary and middle schools shall be in the basic areas of reading, writing (communications), and mathematics. At the secondary level, the focus shall be on student performance in the courses required for graduation and on other measures in the high schools as required by the State Board.

Each **school** is held accountable for the progress of its students. Therefore, the accountability system evaluated by the State Board will set annual performance goals for each school in the State and to measure the growth in performance of all students **in each individual school**.

Criteria for Standards

There are four criteria for setting performance standards using state-mandated tests.

1. Student growth standards should result in increased numbers of students at or above grade level.
 2. Standards should be challenging, rewarding high levels of performance and growth.
 3. Standards should be reasonable and achievable.
 4. Standards should be fair.
-

Types of Standards

The State Board of Education has set two types of annual performance goals.

1. **Performance standards** refer to the absolute achievement or the percent of students in a school at or above grade level.
 2. **Growth standards** are benchmarks set annually to measure a school's progress toward increasing the percentage of students at or above grade level (a year's worth of growth for a year's worth of school).
-

**Expected
Growth Rate**

Also called reasonable growth, the expected growth rate is the amount of growth that would be reasonably expected over a year's worth of time. (See growth standard.)

**Exemplary
Growth Rate**

Exemplary growth refers to growth that exceeds past practice and increases the proportion of students achieving at grade level. (See growth standard.)

**Growth
Standards**

The primary goal of setting a standard is to ensure that students grow a year for each year in school; i.e., increase the percentage of students attaining at least Achievement Level III each year. The growth standard is a benchmark set annually to measure a school's progress toward increasing the percentage of students at or above grade level (a year's worth of growth for a year's worth of school). School growth is the expected growth rate for that school based on (1) its previous performance, (2) statewide average scores, and (3) a statistical adjustment which is needed whenever test scores of students are compared from one year to the next. All this information is placed in a formula that generates expected growth and exemplary growth using software called ABC Tools.

Exemplary growth factors in 10 percent above the statewide average growth in the formula and is used in conjunction with the performance standard to identify schools that qualify for recognition and assistance. The State Board of Education established Achievement Level III as the standard for grade level proficiency for all students.

**Students Included
in Accountability
Pool**

To be included in accountability measures, students must have a pre-test score and a post-test score for grades three through eight for reading, writing, and mathematics, **and** have been in membership more than one-half of the instructional period. This means that students must be in membership in a school 91 of 180 days (regular schedules) or 46 days of 90 days (semester or block schedule).

All students who were enrolled in a public school anywhere in North Carolina for the previous year are expected to have a pre-test score, unless the student has been exempted from testing.

**Exemptions from
Testing**

Students and schools are accountable for student performance and achievement. All students should be given the opportunity to receive

instruction that will allow them to perform successfully on all state required tests.

It is expected that 100 percent of all students who are following the revised *North Carolina Standard Course of Study* and who are not eligible for exemption will take the state-mandated tests. **Blanket exemptions or exemptions for groups of students are not allowed.**

An answer document must be completed on every student in every school, including those students who are exempted from testing.

**Exemption of
Limited English
Proficient
Students**

Limited English proficient students are not automatically exempted.

Limited English proficient students (appropriately identified and assessed) may be exempted from some or all testing for up to **two school years**, depending upon their level of English language proficiency. An exemption of a limited English proficient student begins at the time of enrollment in the district, depending upon the child's level of English language proficiency. See the *Guidelines for Testing Students with Limited English Proficiency*, July 1996, for more-specific information.

The records on exemptions of limited English proficient students will be maintained at the school and LEA levels.

**Exemption of
Students with
Disabilities**

Students with disabilities may be exempted on a case by case basis, if stated in their Individualized Education Plan (IEP) and if they are not following the revised *North Carolina Standard Course of Study*.

Students may be exempted from tests in one subject (such as writing) and allowed to take tests in the remaining subjects (such as reading and mathematics) for their grade level. These students will be included in the school's 98 percent tested requirement.

It is required that written consent for exemptions be obtained from parents, guardians, or students (if over 18). This statement must certify that it is understood that exemption from testing may mean that the student will not be eligible to receive a North Carolina high school diploma.

Alternative Assessment

Students who are exempted from testing must be given alternative assessments to demonstrate mastery of course or specific curriculum content.

Documentation

Schools and LEAs must maintain appropriate documentation on all exempted students. School records are subject to an audit.

Failure to Meet Testing Requirements

Several consequences will result if schools fail to comply with testing requirements.

- Schools that test fewer than 98 percent of **eligible students** will not receive school incentive awards. To determine the number of eligible students, subtract the number of exemptions from the number of students in membership.
 - Schools that test fewer than 98 percent of eligible students for two consecutive years may be designated as low-performing by the State Board of Education.
 - Schools are required to make public the percent of eligible students tested. Results for schools not meeting the 98 percent requirement will be noted in public reports.
 - Schools with excessive exemptions in any year will not be eligible to receive recognition, rewards, and/or incentives.
 - Schools with excessive exemptions for two consecutive years may be designated as low-performing by the State Board of Education.
 - Low-performing schools may be targeted for assistance and/or intervention by the State Board of Education.
-

Special Populations/ Programs

Careful analyses of the data show that all schools do have a chance of meeting the exemplary growth standard.

- If limited English proficient students and students with disabilities have been represented in the school's population in the previous years and they were not exempted from testing, they are included when the school's growth rate is calculated.
 - Alternative schools with assigned numbers are included in the accountability system of the ABCs plan the same as any other school. Programs and/or classes without a separate school number will have test scores reported in the students' home schools.
-

**Composite
Score**

The composite score summarizes the performance of students in a school in reading, writing, and mathematics. It is used to determine whether a school meets its expected standard or its exemplary standard for incentive awards.

The composite gives a representative picture of a school's overall performance. In other words, a school could be below the exemplary standard for fifth-grade reading, but above the exemplary standard in other grades and subjects. Because the composite includes performance across all grades and subjects, the school could still reach the exemplary standard overall and therefore be eligible for incentive awards.

**ABC Tools
Software**

The ABCs Tools software computes the sum of the differences between the exemplary growth and actual growth in each grade and subject. An overall writing index is also computed for grades four and seven. No scores have to be calculated manually. This software is provided to LEA testing coordinators by the Department of Public Instruction, Division of Accountability. The information and examples provided here are to assist educators and others in understanding the process for determining if growth standards have been met.

**Calculating
Growth**

Step one in determining if the expected growth standard has been met is to calculate the index for writing for each of the most recent years and the overall writing index. Refer to the appendices for a complete example of calculating the writing index.

**Review
Standards**

In **step two**, review expected and exemplary growth standards for reading and math at each grade level included in the State testing program (grades 3-8).

**Determine
Actual
Growth**

Step three is to determine the actual growth in reading and mathematics at each grade level. Use data on groups of matched students (cohort groups).

**Difference in
Growth**

In **step four**, subtract the actual growth from the expected growth in reading and mathematics at each grade level.

**Calculate
Standardized
Growth**

In **step five**, divide the difference for reading, writing, and mathematics by the associated standard deviation at each grade level. *The ABC Tools software performs all of these calculations.*

NOTE: This step is very important. By dividing by the standard deviations, the resulting numbers are standardized to accommodate the different score types; i.e., developmental scale scores and the writing index. If only the differences were summed, the writing test would count considerably more than any other test in the composite. Once the difference in actual and expected growth is divided by the standard deviation, the resulting number is the **standardized growth score**.

**Meeting
Expected
Growth**

In **step six**, add the expected standardized growth scores for reading and mathematics at each grade level, 3-8, and for writing at grades 4 and/or 7. If the resulting number is 0 or above, the school has met the expected growth standard.

**Standardized
Exemplary
Growth**

Steps similar to steps four through six are used to determine the composite score for exemplary standards.

Step seven is to calculate the standardized growth scores for the exemplary standards.

- subtract actual growth from the exemplary growth standard in reading and mathematics at each grade level
 - divide this difference in growth for reading, writing, and mathematics by the associated standard deviation at each grade level
-

**Meeting
Exemplary
Standard**

In **step eight**, add the exemplary standardized growth scores for reading and mathematics at each grade level, 3-8, and for writing at grades 4 and/or 7. If the resulting number is 0 or above, the school has met the exemplary growth standard.

**Appeal of Growth
Standards**

In the event of compelling, catastrophic conditions within a school, the school may appeal growth standards to the State Board of Education. This process will require very specific reasons that the school's growth goals are unreasonable.

- The State Board of Education will appoint an Appeals Committee

comprised of principals, teachers, central office staff, superintendents, and local school board members to review written appeals from schools.

- Appeals must clearly document the circumstances which make the goals seem unrealistic.
 - Appeals must be made by February of each academic year.
 - The Appeals Committee will review all appeals and make recommendations to the State Board of Education. The State Board will make the final decision on the reasonableness of the growth goals.
-

PERFORMANCE RECOGNITION

§ G.S. 115C-105.29. **Performance Recognition** requires the State Board of Education to set the performance standard that schools must reach in order to receive financial incentives (greater than 100% of expected growth) and to make financial awards to schools that achieve that performance standard.

Growth Standards

The ABCs law requires that State Board set standards for performance greater than 100% for schools to be eligible for financial incentives. Exemplary growth factors in 10 percent above the statewide growth used in the formula for determining growth. Schools and personnel that meet the exemplary growth criteria are not required to apply for these awards.

Personnel Eligible for Incentive Pay

As required by law, "personnel" includes

- the principal
 - assistant principal
 - instructional personnel (teachers)
 - instructional support personnel (guidance counselors, etc.)
 - teacher assistants assigned to that school.
-

Use of Funds

Any incentive funds for which a school is eligible are **required by law** to be used for awards to the personnel. If a faculty chooses to use these funds for some other purpose, it must be included in the school improvement plan that is approved by the superintendent and local board of education.

Availability of Funds

Senate Bill 1139 **requires** that incentive funds be made available for expenditure on July 1 of each fiscal year. They will remain available until November 30 of the subsequent fiscal year. Once all test scores have been verified by the Division of Accountability Services, staff from that division will notify the School Business Services Section of the schools that met the exemplary growth standard. The School Business Services Section will then determine the total number of staff statewide who are eligible to share in the incentive funds. The total amount of available funds will be divided by the number of eligible staff. Incentive awards for certified staff will not be less than \$500 per person nor more than \$1,000 per person, based on funds appropriated. The per person amount of the incentive award will then be multiplied by the number of eligible staff in each LEA. School Business Services will forward an allotment for this amount to the LEA to be distributed to staff. Teacher assistants will

receive one-half the amount that certified staff receive.

**Top 25 Schools
in Student
Growth**

The State Board of Education will recognize the top 25 schools in student growth. A team of 5 representatives from each school will be recognized at a banquet sponsored by the State Board of Education and Department of Public Instruction. In addition, each of these schools will receive

- a dated banner to hang in the school
 - a certificate
 - school incentive awards.
-

**Schools that
Meet Exemplary
Standards**

Schools that meet the exemplary growth standard will receive

- a certificate
 - school incentive awards.
-

**Schools Meeting
Expected Growth**

Schools that meet the expected growth standard will receive a certificate of recognition.

**Schools of
Excellence**

Schools will be recognized for excellent student performance. To receive this recognition, at least 90 percent of students must be performing at or above grade level, and the school must meet the expected growth standard.

A team of five representatives from each school with excellent student performance will be recognized at a statewide banquet sponsored by the State Board of Education and the Department of Public Instruction. In addition, each school will receive

- a dated banner to hang in the school
 - a certificate.
-

**Schools of
Distinction**

Distinguished schools are those in which a minimum of 80.0 percent of students are performing at or above grade level standard. Distinguished schools will receive a plaque and a certificate.

**Additional
Requirements**

In addition to the criteria specified above for the five awards, schools must also meet the following criteria in order to qualify for any type of state recognition:

- IEPs for students with disabilities must be appropriate and up-to-date based on state and federal standards.
 - IEPs must meet audit standards which describe the testing standards for students with disabilities.
 - The school tested 98 percent of eligible students in grades 3 through 8.
 - The school honored the *Testing Code of Ethics* and the *Rules and Procedures of the State Testing Program*, and has not exempted alternative, exceptional, or limited English proficient students from testing in order to enhance test scores.
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IDENTIFICATION OF LOW-PERFORMING SCHOOLS

§ G.S. 115C-105.30. **Identification of low-performing schools** requires the State Board of Education to identify low-performing schools.

Annual Identification

The State Board of Education is **required by law** to implement a procedure to identify low-performing schools each year. End-of-Grade test scores in reading, writing (communications), and mathematics will be used to determine low-performing schools, and both performance and growth standards will be used. Low-performing schools are among those that

- are failing to meet minimum growth standards, as defined by the State Board of Education; and
- have a majority of students performing below grade level.

These standards have been refined by the State Board to include those schools in which more than 50% of students are performing below grade level and are not meeting expected growth standards. Further, the State Board will designate, by name, those schools that are low-performing.

Notification to Parents

The **law requires** that a school designated as low-performing provide specific information to the parents of students in the school. The information should include, but is not limited to,

- a statement that the school has failed to meet the expected growth standard and that a majority of students are performing below grade level
- a description of the steps the school is taking to improve student performance.

SUGGESTED ACTION FOR REPORTING TO PARENTS

School-level report cards are required by law, must be issued annually, and may serve as notification that a school is low-performing. At the time the report cards are issued, low-performing schools may issue a supplement to the report card that specifies the actions that will be taken to improve student achievement in that school.

ASSISTANCE TEAMS

§ 115C-105.31. Assistance teams; review by State Board requires the State Board of Education to identify low-performing schools and to assign assistance teams to those schools, giving priority to those low-performing schools where the educational performance of the students is declining.

Team Composition

As **required by law**, The State Board of Education will create assistance teams that consist of

- currently practicing teachers and staff
- representatives of higher education
- school administrators
- others the State Board considers appropriate.

SUGGESTED SKILLS FOR TEAM MEMBERS

The Department of Public Instruction will strive to insure that each team member possesses a high degree of knowledge and skill in the areas of

- school leadership
- curriculum and instruction
- classroom management and discipline
- academic assessment
- home-school relations
- evaluation and research.

Service Areas

Service areas will be defined for the State based on the concentration of low-performing schools. Typical teams will have five members and will, whenever possible, include educators from the same service area as the low-performing school. Wherever possible, team members will not be assigned to a low-performing school in a system where they have been recent employees.

When assigned by the State Board, assistance teams will serve schools where student achievement is declining (identified as low-performing) or any other school that requests an assistance team and that the State Board feels would benefit from services.

Role of DPI Staff

The Division of School Improvement will serve as staff for the assistance teams. The Division includes several sections and areas of expertise:

- core curriculum areas of English Language Arts, mathematics, science, and social studies
- effective practices
- staff development
- student support services such as dropout prevention, alcohol and drug defense programming, and school social work.

In addition, the Division includes the Compensatory Education Section and the Safe Schools Team. This will allow for a comprehensive review and assessment of schools.

Program Review

The assistance teams are **required by law** to review and investigate all facets of school operations and assist in developing recommendations for improving student performance at that school.

Information about the school may be gathered through

- surveys
- classroom observations
- questionnaires
- focus group interviews with students, parents, staff, and/or community members
- historical student achievement data and goal summaries
- previous school improvement plans
- student promotion data
- attendance, discipline, and school violence reports
- dropout data
- other data as may be available and relevant.

A comprehensive review may include, but is not limited to,

- curricula and program offerings
- instruction and scheduling
- student services
- school-community relations
- school climate
- achievement results
- staff development opportunities
- school improvement planning process

- school-based management practices
- human and fiscal resources.

Once the assistance team and the school improvement team have carefully reviewed all available data, the assistance team will recommend specific actions that will improve student achievement at that school.

Evaluation of Personnel

The assistance team is **required by law** to evaluate personnel assigned to the school at least semiannually and to make recommendations concerning their performance. Evaluations of staff will be made using the Teacher Performance Appraisal Instrument (TPAI) developed and approved by the State Board of Education. Assistance team members will be required to have in-depth knowledge of the appraisal process. Appropriate forms will be used for each category of personnel; i.e., teachers, support personnel, and administrators. Assistance team members will provide feedback to school staff on their strengths and areas for improvement. Findings from the performance evaluations will be shared with the principal.

Evaluation information may be used in the dismissal of staff as outlined in G.S. 115C-325. When performing these duties, each assistance team shall act in an advisory capacity to local school personnel, local school boards, and the State Board of Education.

Evaluation Procedures

When conducting evaluations of school personnel, the assistance team must adhere to the requirements listed below.

- Assistance teams will use the uniform performance standards and criteria developed by the State Board of Education when conducting performance evaluations of personnel assigned to low-performing schools.
- Each member of an assistance team will possess in-depth knowledge of the performance evaluation process before conducting a performance evaluation.
- The assistance team will use the appropriate form(s) of the uniform performance standards and criteria for the category of personnel being evaluated such as teachers, support personnel, and administrators.
- The assistance team will share its evaluation and recommendations with each employee and the employee's supervisor.
- When an employee receives two consecutive evaluations by an assistance team that include findings and recommendations regarding the employee's inadequate performance, the assistance team will notify the State Board of Education of the evaluations.
- The State Board may, in its review of evaluations, deem all

evaluations of the assistance team to supersede previous evaluations of an employee.

- An assistance team that is assigned by the State Board of Education to a low-performing school may, at any time, recommend to the State Board that a teacher, assistant principal, director, and/or supervisor be dismissed or demoted for one or more grounds established in G. S. 115C-325(e)(1).

**Collaboration
with School
and LEA Staff**

The assistance team is **required by law** to collaborate with school staff, central offices, and local boards of education in the design, implementation, and monitoring of a plan that, if fully implemented, can reasonably be expected to alleviate problems and improve student performance.

After a comprehensive review of the school, the assistance team will work collaboratively with the school and central office staff to determine and prioritize needs, plan appropriate strategies to address the identified needs, and develop the school improvement plan.

**Developing
Improvement
Plans**

The assistance team is **required by law** to make recommendations as the school develops and implements the school improvement plan. The assistance team and school staff may decide to accept the school's original school improvement plan, modify the existing plan, or develop a new, more focused plan. Continuous assessment will allow the team and the school staff to identify jointly areas of the plan for adjustment. The plan should be modified as necessary to serve as a working guide for the school improvement process.

Progress Review

G.S. 115C-105.31 **requires** the assistance team to review the school's progress. In addition to the final, measurable criteria, each school improvement plan should include benchmarks for improvement that can be measured throughout the year. All measures should directly relate to improved student achievement, and reviews should be conducted monthly.

Report Progress

The assistance team is **required by law** to report, as appropriate, to the local board of education, the community, and the State Board of Education on the school's progress.

Local boards and the community should receive reports at least twice during the school year, at a time mutually agreed upon by the school, the assistance team, and the local board of education. The State Board of Education will also receive progress reports twice each year and at other times as requested by the State Board. As a minimum, the reports will

include a summary of the school's goals and objectives and progress towards meeting the established benchmarks. Other information may be provided as necessary to evaluate the school's progress in meeting its goals.

The team should provide feedback to the school at least monthly. This information should include, as a minimum, a status report on benchmarks, findings, and recommendations.

Plans Vacated

As required by law, the assistance team may determine that an accepted school improvement plan developed under G.S. 115C-105.22 is impeding student performance at that school. The team may then recommend to the local board that it vacate the relevant portions of that plan and direct the school to revise those portions that are no longer appropriate.

The assistance team is responsible for continuous evaluation of the improvement plan and the school's progress and for working with the school improvement team to insure that the plan is current and accurately reflects the goals and objectives of the school. On rare occasions, the assistance team and the school improvement team may have a difference of opinion on the relevance of the plan. If that disagreement cannot be resolved at the school level, the assistance team may request assistance from the local board of education. In such a situation, the local board of education is encouraged to make a judgment that is in the best interest of the children in that school and includes strategies that have the greatest impact on student achievement.

Lack of Progress

As required by law, if a school fails to improve student performance after assistance is provided as outlined in the law, the assistance team may recommend that assistance continue, or that the State Board take further action under G.S. 115C-105.32. Additional interventions may include termination of the administrator's contract, appointment of an interim superintendent (when more than ½ of schools are designated as low-performing), and/or suspension of the powers and duties of the local board of education.

1996-97 Timeline

During 1996-97, the State Board of Education and the Department of Public Instruction will

- advertise for and hire assistance team members

- conduct a comprehensive orientation for assistance team members to be followed with training in core areas of school improvement, including legislative requirements and State Board expectations
 - provide support and training as assistance teams begin working with schools in voluntary assistance
 - report to the State Board of Education on the progress of all legislated requirements pertaining to the assistance team model and make recommendations as requested.
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1997-98 Timeline

Beginning with the 1997-98 school year, schools will officially be designated as low-performing by the State Board of Education. The assistance teams will begin working with each school designated for assistance. Teams will

- meet with school and central office personnel, the superintendent, and local school board members and discuss the school assistance process and specific procedures for working with assigned schools
 - collaborate with the school improvement team on conducting school wide needs assessment to include the current school improvement plan
 - share findings from the school wide assessment with school personnel, the superintendent, and the local school board
 - offer recommendations based on the quality and relevance of the school improvement planning document
 - establish jointly a calendar for campus and classroom visitations and professional development activities
 - participate in a mid-year meeting in which all teams will exchange ideas, share common concerns, and continue planning
 - provide a mid-year progress report on low-performing schools and team activities
 - make recommendations to the State Board of Education based on student achievement scores on state tests.
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DISMISSAL OR REMOVAL OF PERSONNEL; APPOINTMENT OF INTERIM SUPERINTENDENT

§ G. S. 115C-105.32 and § G. S. 115C-325(q). Dismissal or removal of personnel; appointment of interim superintendent allows the State Board of Education to dismiss principals, teachers, assistant principals, directors, and supervisors assigned to a school identified as low-performing and appoint an interim superintendent.

Dismissal of Principals

As **required by law**, the State Board of Education shall suspend with pay a principal who has been assigned to a school for more than two years before the State Board identifies that school as low-performing and assigns an assistance team to that school.

The law further states that the State Board may suspend with pay a principal who has been assigned to a school for no more than two years **before** the State Board designates that school as low-performing and assigns an assistance team.

The State Board of Education or a local board of education may terminate the contract of a school principal dismissed under G. S. 115C-325(q), and neither party to an administrator's contract dismissal is entitled to damages.

Dismissal of Teachers, Assistant Principals, Directors, and Supervisors

As **required by law**, the State Board may dismiss teachers, assistant principals, directors, and supervisors assigned to low-performing schools to which an assistance team has been assigned. There are two specific situations in which assistance teams are involved that directly impact employment of school personnel. They may be dismissed by the State Board when

- the teacher, assistant principal, director, or supervisor receives two consecutive evaluations from the assistance team that include written findings and recommendations regarding that person's inadequate performance. These findings and recommendations constitute substantial evidence of the inadequate performance of the teacher or school administrator; or
- the assistance team finds that the teacher, assistant principal, director, or supervisor may be dismissed or demoted for grounds found in G. S. 115C-325(e)(1) which includes, but is not limited to, inadequate performance, neglect of duty, physical or mental

incapacity, and/or failure to fulfill the duties and responsibilities imposed on teachers by the General Statutes of North Carolina.

Revocation

The State Board of Education may also choose to revoke or refuse to renew a teacher's certificate if

- (1) it identifies the school in which the teacher is employed as low-performing; and
 - (2) the assistance team recommends revocation or nonrenewal for one or more grounds set for in 16 N.CAC.6C.03212.
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**Timeline
for Action**

A panel of three members of the State Board of Education will conduct a hearing concerning the principal's suspension. The purpose of the hearing is to determine whether the principal shall be dismissed, and the hearing must be held within 60 days. At the end of the 60 day period, the suspension **with pay** ends, unless the panel makes a public determination that the principal has established that the factors that led to the identification of the school as low-performing were not due to the inadequate performance of the principal.

A teacher, assistant principal, director, or supervisor may request a hearing before a three-member panel of the State Board within 30 days of any dismissal.

**Due Process
Procedures**

Any principal who has been suspended and any teacher, assistant principal, director, or supervisor who is recommended for dismissal must be afforded due process rights prior to dismissal. At any hearing conducted by a panel of the State Board of Education according to the provisions of G. S. 115C-325 (q), the panel will sit as an impartial tribunal to receive evidence and to decide on the basis of that evidence whether the principal or other employee shall be dismissed. The assistance team assigned to the school where the employee is employed shall present the case against the employee.

Both the employee and the assistance team have the right to

- be represented by counsel at the hearing
- subpoena witnesses and documents
- examine and cross-examine witnesses under oath
- present relevant evidence using witnesses and documents.

Principals who are suspended under this section, G. S. 115C-325(q), have the burden of proof. In all other cases, the assistance team shall have the burden of proof.

**Responsibilities/
Rights of the
State Board**

The panel of the State Board of Education that conducts the hearing will give written notice to the parties of the time and place of the hearing and make a complete record of the evidence received during the hearing. The State Board of Education has the right to subpoena witnesses and documents on behalf of anyone involved in the proceedings.

Appeals Process

Either the principal or the assistance team may, within 10 days of notification of the panel's decision, give notice of appeal to the full State Board of Education. The appeal is on the record only with no arguments by counsel except in the form of written briefs. The briefs will be limited to 10 pages in length. Upon receipt of the brief, the State Board will

- consider the appeal at its next regularly scheduled meeting that is at least 20 days following receipt of notification of appeal
- render a decision within 30 days, unless the State Board determines that good cause exists to extend the period or that both parties agree to extend the period

The original three-member panel that decided the case shall not be excluded from participation in the full State Board hearing.

**Appeal Beyond
Board Decision**

Principals, teachers, assistant principals, directors, and supervisors may appeal the State Board decision in accordance with Chapter 150B of the General Statutes.

**Removal of
Superintendent**

The State Board of Education may appoint an interim superintendent in an LEA

- when more than one-half of the schools in the LEA are designated as low-performing (viewed as the superintendent's being unable to perform the duties of the office); or
 - upon the recommendation from an assistance team assigned to a low-performing school. The recommendation must be based on findings that the superintendent has failed to cooperate with the assistance team or otherwise hindered the LEA's and/or school's ability to improve.
-

**State Board
Authority**

The State Board may assign any of the powers and duties of the local superintendent and local finance officer to an interim superintendent, if the State Board considers the transfer necessary or appropriate to improve student performance in the LEA. The interim superintendent will perform all duties as assigned.

The State Board may also terminate the contract of any superintendent entered into on or after July 1, 1996, when an interim superintendent is appointed. The Administrative Procedures Act applies to that decision, and neither party to that contract is entitled to damages.

The State Board of Education may revoke the superintendent's certificate, dismiss the superintendent, or take any combination of these actions, if the State Board identifies more than half the schools in an LEA as low-performing. The Board must make written findings to support any of the actions taken.

**Superintendent's
Right to Appeal**

If the State Board of Education appoints an interim superintendent, revokes his/her license, or dismisses the superintendent according to G. S. 115C-32(c), the superintendent will not have the right to a hearing. S/he will have the right to file a contested case petition according to the provisions of Chapter 150B of the General Statutes.

REMOVAL OF BOARD MEMBERS; SUSPENSION OF DUTIES BY STATE BOARD

§ G. S. 115C-39. Removal of board members; suspension of duties by State Board outlines those conditions under which the State Board of Education may suspend the powers and duties of a local board of education and recommend changes in governance of the local education agency.

Suspension of Powers of the Local Board

The State Board of Education may suspend the powers and duties of the local board of education if the State Board determines that the local board has

- failed to cooperate with the interim superintendent, or
- otherwise hindered the LEA's ability or any school's ability to improve student performance.

The State Board may suspend any powers and duties it feels necessary to improve student performance in the LEA.

State Board Responsibilities

Before the State Board of Education suspends any of the powers and duties of the local board of education, according to G. S. 115C-32(d) and 115C-39(b), the State Board must provide written notice to the local board of the reasons for which it is considering suspending those powers and duties. If the local board fails to remedy the reasons presented to it by the State Board within 60 days after receiving the notice, the State Board will enter an order that incorporates the reasons for suspending the powers and duties, the efforts made to remedy those reasons, and the period of time during which those powers and duties will be suspended.

If the State Board suspends any of the local board's powers and duties, then the State Board will perform those duties and powers for a length of time specified by the Board.

Change in Governance

If the powers and duties of a local board have been suspended by the State Board of Education and the Board later determines it is necessary to change the governance of the LEA in order to improve student performance, then the State Board may recommend this change to the General Assembly. The General Assembly will consider this action at its next session.

POWERS AND DUTIES OF THE PRINCIPAL

§ G. S. 115C-288. Powers and duties of principal identifies the principal's areas of authority. The ABCs legislation amends one of the areas.

Grade and Classify Pupils

The principal has the authority to grade and classify pupils, with one exception. The principal cannot require additional testing of a student entering a public school from any nonpublic school if test scores are available from a nationally standardized test or nationally standardized equivalent measure that are adequate to determine the appropriate placement of the child.

ACADEMIC TEACHERS

§115C-302(a)(1). Directs local board of education to establish pay dates and a ten month work calendar, not to exceed 200 days, for state-allotted teachers. The local board is allowed flexibility in the scheduling of teacher workdays missed as a result of hazardous weather and other unforeseen circumstances.

Teachers' Pay Date

Each local board of education is **required by law** to establish a set date on which monthly salary payments to regular state-allotted teachers will be made. The law further specifies that

- This set pay date may differ from the end of the calendar month of service.
- The teachers will only be paid for the days employed as of the set pay date.
- The payment for a full month is prohibited when the number of days employed is less than a full month. This would constitute prepayment.

Pay in 12 Equal Installments

Payment may be in 12 equal installments when the following specifications are met:

- Teachers employed for a period of 10 calendar months in year-round schools must be paid in 12 equal installments.
- Teachers who are not employed in a year-round school may be paid in 12 monthly installments if the teacher requests that on or before the first day of the school year.
- Payment of the annual salary in 12 installments instead of 10 must not increase or decrease the annual salary nor in any other way alter the contract made between the teacher and the local school administrative unit.

Payment in 12 installments cannot apply to any teacher who is employed for a period of less than 10 months.

Annual Vacation Leave

The law requires that local boards of education

- include annual vacation leave at the same rate provided for State employees in the 10 calendar months of employment. Annual vacation leave is computed at one twelfth (1/12) of the annual rate for State employees for each calendar month of employment.
- provide annual vacation leave at a time when students are not scheduled to be in regular attendance

- not to restrict instructional personnel who do not require a substitute to annual vacation leave on days that students are not in attendance.

Legal Holidays

The 10 calendar months of employment must include the same or an equivalent number of legal holidays occurring within the period of employment for academic teachers as those designated by the State Personnel Commission for State employees.

Workday During Inclement Weather

On a day that employees are required to report for a workday but students are not required to attend school due to inclement weather, a teacher may elect not to report due to hazardous travel conditions and to take an annual vacation day or to make up the day at a time agreed upon by the employee and the employee's immediate supervisor or principal.

Workdays not Devoted to Classroom Teaching, Holidays, or Annual Leave

Each local board of education must develop rules designating what additional portion of the 10 calendar months not devoted to classroom teaching, holidays, or annual leave will apply to service rendered

- before the opening of the school term
- during the school term
- after the school term.

The local board of education will fix and regulate the duties of state-allotted teachers during that period. However, the 200 workdays cannot be exceeded.

Rescheduling of Displaced Workdays

If one or more scheduled teacher workdays are displaced due to hazardous weather conditions, a local board of education may select dates, including dates beyond the 10 calendar months, during which teachers and their supervisors may agree to make up the displaced days. The workdays must fall within the fiscal year.

Pay for Displaced Workdays

The law includes the following stipulations regarding pay for displaced workdays:

- Teachers may be paid on the tenth calendar month pay date for workdays scheduled to occur after the tenth calendar month but before the end of the fiscal year.
- Teachers who resign, are dismissed, or whose contracts are not renewed and who fail to make up previously agreed upon workdays scheduled after the 10 calendar months must repay the local board any

salary payments owed due to the failure to make up the workdays.

- Teachers who continue to be employed by a local board but fail to make up previously agreed upon workdays scheduled after the 10 calendar months may be subject to dismissal under G. S. 115C-325.

**School Personnel
Involvement in Development
of School Calendar**

Local boards of education must consult with the employed public school personnel in the development of the 10-calendar-month schedule.

**SUGGESTED ACTIONS FOR DISPLACED
TEACHER WORKDAYS**

The local board may develop a comprehensive plan for scheduling teacher workdays outside the 10 calendar months of employment. The plan should include type of activities and other expectations of the teachers.

LEASE PURCHASE AND INSTALLMENT PURCHASE CONTRACTS/PURCHASE OFF STATE CONTRACT PILOT PROGRAM

§115C-528. Lease purchase and installment purchase contracts for certain equipment allows local boards of education to enter into lease purchase and installment purchase contracts for automobiles; school buses; mobile classroom units; photocopiers; and computers, computer hardware, computer software, and related support services.

SPECIAL NOTE

All procedures for purchase of equipment should follow the guidelines outlined in the *Agency Purchasing Manual*, Purchase and Contracts Division, Department of Administration.

For additional information, contact Bob Rhinehardt, Purchase and Contracts Division, (919) 733-7590.

Sec. 15.1 CH 716 1996 Session

Purchases Off State Contract Pilot Program

The State Board of Education is **required** to develop and implement a pilot program which allows selected local school systems to purchase supplies, equipment, and materials off State contract.

- The State Board must initially select twelve (12) local school systems that are diverse in geography and size to participate in the pilot program.
- If the State Board determines that the pilot program is effective, efficient, and in the best interest of the public schools, it will have the authority to expand the pilot program to additional local school systems.

Pilot Participants Requirements

Local school systems selected to participate in the pilot program will have the authority to purchase the supplies, equipment, and materials off State contract that are available under State term contracts. They will be subject to the following conditions for purchases that do not fall below the economic ordering quantity of a State term contract:

- The purchase price, including the cost of delivery, is less than the cost under the State term contract value benchmark established under G.S. 143-53.1.
- The local school system documents in writing the cost savings.
- The local school system must provide annually by August 15 an itemized report of the cost savings to the State Board of Education.

**State Board of Education
Collaboration With the
Department of
Administration**

The law requires collaboration between the State Board of Education and the Department of Administration. The State Board of Education

- is required to collaborate with the Department of Administration on establishing standards, specifications, and any other measures necessary to implement and evaluate the pilot program
- must provide the Department with copies of the itemized annual reports produced by the pilot participants.

Pilot Evaluation

The State Board of Education will evaluate the information provided by the pilot participants and report its findings and recommendations to the Joint Legislative Education Oversight Committee by October 1, 1997, and annually thereafter.

PERFORMANCE STANDARDS AND CRITERIA FOR PROFESSIONAL EMPLOYEES

§115C-326. Performance standards and criteria for professional employees; law suits arising out of this section. The legislation directs the State Board of Education to develop performance standards and criteria for evaluating professional public school employees. Additionally, it provides flexibility to local boards in modifying these standards and developing other evaluation criteria.

SBE Criteria for Evaluation

The State Board of Education, in consultation with local boards of education, shall

- develop uniform performance standards and criteria to be used in evaluating professional public school employees (Please refer to *The Teacher Performance Appraisal System*.)
 - develop rules to recommend how these standards and criteria will be used in the employee evaluation process.
-

Local Flexibility in Teacher Evaluation

Local boards of education must adopt rules to provide for the evaluation of all professional employees defined as teachers in G. S. 115C-325(a)(b). However, local boards will have flexibility to

- adopt rules that allow specified categories of teachers with career status to be evaluated less frequently than annually
- adopt rules that require the annual evaluation of other school employees not specifically covered by G. S. 115C-325(a)(b).
- develop and use alternative evaluation approaches for teachers provided the evaluations are properly validated.

Local boards that do not develop alternative evaluations, must use the performance standards and criteria adopted by the State Board of Education, but are not limited to those standards and criteria.

Law Suits Arising Out of Evaluation

If an employee institutes legal action against a local school employee due to an act done or an omission made in the course of the employee's (designated supervisor) duties in evaluating employees under G. S. 115C-326, the local board shall reimburse the employee bringing legal action for reasonable attorney's fees if the employee is held not liable.

APPROVAL AND USE OF TEXTBOOKS

§115C-98. Allows local boards of education to provide for local operation of the textbook program, the selection and procurement of other instructional materials, and the use of nonadopted textbooks.

Textbook Definition

As defined by legislation, 115C-85, textbook means systematically organized material comprehensive enough to cover the primary objectives outlined in the standard course of study for a grade or course. Textbooks may be print or nonprint, including hardbound books, softbound books, activity-oriented programs, classroom kits, and technology-based programs that require the use of electronic equipment in order to be used in the learning process.

Local Control of the Textbook Program

Local boards of education shall

- adopt rules for the local operation of the textbook program
 - adopt written policies concerning the procedures to be followed in their local school system for the selection and procurement of supplementary textbooks, library books, periodicals, audiovisual materials, and other supplementary instructional materials needed for instructional purposes in their public schools
 - have sole authority to select and procure supplementary instructional materials, whether or not the materials contain commercial advertising, to determine if the materials are related to and within the limits of the prescribed curriculum, and to determine when the materials may be presented to students during the school day.
-

Supplementary Books and Other Materials

The law specifies that

- supplementary materials and contracts for supplementary materials are not subject to approval by the State Board of Education
 - supplementary books and other instructional materials must neither displace nor be used to the exclusion of basic textbooks.
-

Use of Non-Adopted Textbooks

Local boards of education may

- select, procure, and use textbooks that have not been adopted by the State Board of Education for use

throughout the local school system for selected grade levels and courses

- approve school improvement plans developed under 115C-105.22 that include provisions for using textbooks that have not been adopted by the State Board of Education for selected grade levels and courses.
-

Textbook Contracts

All textbook contracts entered into by the local board of education must include a clause granting to the local board of education the license to produce braille, large print, and audiocassette tape copies of the textbooks for use in the local school system.

FREQUENTLY ASKED QUESTIONS

School Improvement Plan

Do we include only the school's annual performance goals in our school improvement plan?

No. You may include other goals that you feel contribute to the improvement of student performance at your school.

What is meant by secret ballot?

A secret ballot is one in which voters and their votes cannot be identified. A variety of processes can be used to assure voter anonymity.

Who is included in the majority vote on the school improvement plan?

The legislation speaks to staff assigned to the school--principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants--as a majority of staff who voted on the plan.

Can our local board of education turn down an improvement plan that a majority of the school staff has approved?

Yes. The local board of education may reject or revise an individual school's improvement plan as specified by G.S. 115C-105.22.

By what date must school improvement plans be developed?

The law does not specify a date for the development and approval of school improvement plans. Local boards of education have the responsibility of setting due dates for the plans; furthermore, the law **does not require submission** of school improvement plans to the State Board of Education.

How should members of the school improvement team members be selected?

The law does not specify how to select school improvement team members; however, it is suggested that school staff members identify criteria and select team members based on it.

What is a parent's role on the school-based management team?

Parents represent the other parents and *all* children in the school. Also, parents collaborate with the other team members to develop a school improvement plan for the school that addresses student improvement.

What are parents' responsibilities on the school improvement team?

Parents should attend all meetings, be committed to the school improvement process, and recognize that they need information on N. C. laws pertinent to the school-based management

process. Also, parents need training in the use of group decision making skills, development of plans, and problem solving.

What do parents need from the school improvement team?

Parents who serve on a school improvement team need to be treated with respect and validated for the expertise and past experiences that they bring to the team; i.e., a different perspective.

Is the school improvement team required to use the generic listings and suggested resources?

No. The suggested resources and listings are only examples and places where information can be acquired in N. C.

What is the role of the local board of education in acceptance of local school improvement plans?

The local board of education will review a school's improvement plan; if the plan is accepted, the board cannot make any substantial changes in it.

What is the local board of education's action once it rejects a school improvement plan?

If the board rejects the school improvement plan and no school improvement plan is accepted within 60 days of its initial submission to the local board, the school or the local board may ask to use the process to resolve disagreements recommended in the guidelines developed by the State Board under G. S. 115-105.20(b)(5). If the request is made, both the school and the local board must participate in the process to resolve disagreements. If no request is made, then the local board may develop a school improvement plan for the school.

What are the responsibilities of local boards of education after they accept a school improvement plan?

Local boards have to monitor the school improvement plan and may remove any part of the plan that becomes unlawful or is impeding student performance at a school. The local board may vacate the relevant portion(s) and may direct the school to revise that portion of the plan.

Do amendments to school improvement plans include request for waivers?

Yes. If the staff feels that laws, rules, and policies are keeping the school from improving student performance, they may request waivers as specified in 115C-105.21 B. However, any waivers requested must be specifically included in the school improvement plan.

How are impeding circumstances to student performance determined?

The local boards of education will monitor student test data and other archival data to determine what circumstances are impeding student performance. This can be done through the use of test scores, evaluations, questionnaires, and climate/culture surveys among other sources.

Staff Development Plan

What is meant by staff development?

Staff development is the term used to define any activity designed by a school to increase the ability of its teachers to impact positively on student growth in performance in the identified areas. These activities include, but are not limited to, the following learning opportunities: curriculum development, program design, professional readings, study groups, case studies, on-line discussion groups, self-studies, visitations, peer coaching, mentorships, seminars, and action research.

Do we have to use our State staff development funds only for those activities described in our school improvement plan?

Yes. The State funds given to individual schools by local boards of education are expressly intended for activities contributing to the successful accomplishment of the school's improvement plan.

Do we have to use the staff development funds only for workshops or can we use them for other types of activities?

You may use your staff development funds in any way that increases the ability of your staff to impact positively on student growth in performance in the identified areas. Suggested activities include, but are not limited to, the following learning opportunities: curriculum development, program design, professional readings, study groups, case studies, on-line discussion groups, self-studies, visitations, peer coaching, mentorships, seminars, and action research (see staff development).

Who will decide what types of staff development activities our school will do?

Your school improvement team will develop your school improvement plan. Your staff development plan is part of your school improvement plan. Specified staff will vote by secret ballot to approve that plan.

Task Force on School-Based Management

Is there or will there be a formal definition of school-based management by the State Board of Education?

There is no formal definition of school-based management; however, the State Board of Education asked the General Assembly to streamline the previous Performance Based Accountability Program legislation to delete some of the language that was too restrictive. Local control under the School-Based Management and Accountability Program will allow a broader definition so that decisions can be made without prescriptions/restrictions from the state level.

GLOSSARY

Annual Performance Goals: Annual performance goals focus on student growth in performance in reading, writing, and mathematics in the elementary school and middle school, and courses required for graduation in the high school.

Consensus decision making: A process used to ensure that every individual has input into a decision. Consensus is a helpful tool in assisting school improvement teams as they work together on goals, planning, implementation, problem solving, and decision making.

Individually-guided staff development: Learners design activities that address individual learning needs.

Involvement in a Development/Improvement Process: Activities might include developing curriculum, designing programs, or changing classroom practice.

Inquiry: Teachers formulate questions about their own practice and pursue objective answers to those questions.

Observation/Assessment: Instructional practices are improved through classroom observation and feedback by peers and other professionals. It is frequently used to determine the extent to which new knowledge and skills learned in training are actually put to use in the classroom.

Process: Ongoing, open ended, not a one time project or activity.

School Improvement Plan: Is the end result of a process by which a school studies its past performance and develops a guide and benchmarks to improve student performance in that school.

School-based management: The process and structure for shared decision making at the school site with the goal of improved student performance. The decisions made may affect instruction, budget, and personnel. Within legislative guidelines, the local board of education may determine the level and degree of decision making at the system and building level.

Stakeholders: All affected parties, including local boards of education, central office staff, superintendents, principals, teachers, other staff, and parents.

Student Performance Goals: A measurable statement of achievement projected at the end of the period covered by the improvement plan.

Training: Programs focus on skill building to the level of "executive control," not brief, one-time, information sharing sessions.

Waiver: A request usually developed at the building level to exempt a school from a law, policy, or regulation that may inhibit the school from improving student performance.

APPENDICES

**School-Based Management and Accountability Program
Summary of School-Based Waiver Requests for 1996-99**

LEA: _____

LEA Code: _____

School Codes	Requests for Waivers
Please enter codes of all schools requesting the waiver described on this form.	1. Insert the waivers you are requesting. 2. Please identify the law, regulation, or policy from which you are seeking an exemption. 3. Please state how the waiver will be used. 4. Please state how the waiver will promote achievement of performance goals.

**School-Based Management and Accountability Program
Central Office Waiver Requests for 1996-99**

LEA: _____

LEA Code: _____

-
1. Please insert the waiver you are requesting.

 2. Please identify the law, regulation, or policy from which you are seeking an exemption.

 3. Please state how the waiver will be used.

 4. Please state how the waiver will promote achievement of performance goals.

ABC's Transfer of Funds Request

LEA #:
LEA NAME:
School #(s):
Date:

Section 1:

Certified Position Allotments To Be Transferred:

FROM:		Number of Months/ Positions	Salary (See Note)	Requested Allotment Transfer	TO:	
PRC	Description			\$	PRC	Description
FROM:		Number of Months/ Positions	Salary (See Note)	Requested Allotment Transfer	TO:	
PRC	Description			\$	PRC	Description
FROM:		Number of Months/ Positions	Salary (See Note)	Requested Allotment Transfer	TO:	
PRC	Description			\$	PRC	Description

Note: All transfers will be at the Statewide Average salary of the position being transferred. Converting certified position allotments to dollars for the purpose of hiring the same type position is not allowable. A conversion of more than 5% of the initial allotment for the guaranteed position being transferred may require additional justification (such as submission of the School Improvement Plan, if applicable).

Section 2:

Dollar Allotments To Be Transferred:

FROM:		Requested Allotment Transfer	TO:	
PRC	Program Description	\$	PRC	Description
FROM:		Requested Allotment Transfer	TO:	
PRC	Program Description	\$	PRC	Description
FROM:		Requested Allotment Transfer	TO:	
PRC	Program Description	\$	PRC	Description

The signatures below verify the requested transfer is in
accordance with the school(s) improvement plan, if applicable.

Signature of Superintendent_____
Signature of Finance Officer

(Instructions on Reverse)

INSTRUCTIONS

Note: The total amount of State funds transferred, according to a school's "Plan", cannot exceed the amount of State funds available for that school.

Identification
Box in the
Upper Right
Corner

Enter the following information:

- LEA #,
- LEA Name,
- School #(s) applicable to this transfer request, and
- Date of request.

Section 1:
Certified
Position
Allotments To
Be Transferred:

FROM: Enter the following information:

- PRC number the positions/months will be transferred from,
- PRC Description,
- Number of Months/Positions to be transferred as AUTHORIZED IN A SCHOOL(S) IMPROVEMENT PLAN, if applicable.
- Salary equivalent, and

NOTE: All transfers will be at the Statewide Average Salary of the position being transferred. Converting certified position allotments to dollars for the purpose of hiring the same type position is not allowable. A conversion of more than 5% of the initial allotment for the guaranteed position being transferred may require additional justification.

- Requested Allotment Transfer is the number of positions/months times the salary.

TO: Enter the following information:

- PRC number the dollars will be transferred to, and
 - PRC Description.
-

SECTION 2:
Dollar
Allotments to
be Transferred

FROM: Enter the following information:

- PRC number the dollars will be transferred from,
- PRC Description, and
- Requested Dollars to be Transferred.

TO: Enter the following information:

- PRC number the dollars will be transferred to, and
 - PRC Description.
-

Signatures: Both signatures of the Superintendent and Finance Officer are required to process the transfer of funds. These signatures verify the requested transfer is in accordance with the school(s) improvement plan, if applicable.

Return to: Department of Public Instruction
Division of School Business, School Finance Section
301 North Wilmington Street
Education Building
Raleigh, N.C. 27601-2825

Questions: Division of School Business, School Finance Section, (919) 715-1422

Original _____
Amendment # _____

SCHOOL IMPROVEMENT PLAN FOR 19__ - __

LEA: _____

School: _____

School Improvement Objective: _____

Strategies	Resources Required (staff, community, supplies, materials, equipment, workshops, consultants, etc.)	Timeline	Persons Responsible	Means of Evaluation

Signature of Principal/Date Signed

Signature School Improvement Chair/Date Signed

Original _____
Amendment # _____

STAFF DEVELOPMENT PLAN FOR 19__ - __

LEA: _____

School: _____

School Improvement Goal	Staff Development Activity	Resources Required	Timelines	Person(s) Responsible	Evaluation	Funding Required/Budgeted

Signature of Principal/Date Signed

Signature of School Improvement Chair/Date Signed

**North Carolina Department of Public Instruction
School-Based Management and Accountability Plan**

Request for Mediation

LEA # _____

Name _____

School # _____

Name _____

What was the initial date of submission of the school's improvement plan to the local board of education? _____

Succinctly describe the disagreement between the school and the local board of education regarding the school's improvement plan.

What actions have been initiated by the local superintendent to resolve this disagreement?

We agree to participate in mediation to resolve any disagreement(s) that we may have with the school improvement plan developed by _____.
Further, we will abide by any agreement that results from this mediation.

Signature of Board Chairman
Date _____

Signature of Principal
Date _____

SUGGESTED OPERATIONAL PROCEDURES FOR ASSISTANCE TEAMS

A team leader will be designated to coordinate day-to-day operational procedures and related team assignments. The team leader, in conjunction with the DPI staff member assigned to the team will develop a handbook to outline daily operations. The handbook may include, but is not limited to,

- a team mission statement
- logistics for team meetings
- administrative reporting forms
- samples of evaluation/assessment tools
- suggested resources
- achievement data
- school and central office information
- visitation protocol.

SUGGESTED ACTIONS TO IMPROVE SCHOOL SAFETY

Safe schools are a condition of and an outcome of effective schools. The following are some characteristics of a learning environment in which staff and students are free to teach and learn without fear of physical or psychological harm:

- Schools have established security practices in place for buildings, buses, and school grounds, that include but are not limited to installing required public signs, appropriate lighting, fencing and alarms. The school's location and appearance, and the maintenance of the school's grounds, buildings and classrooms also contribute to the overall climate and safety of the school.
- School systems have established emergency response plans to respond to crises.
- The school and local school boards have clearly defined behavioral expectations which are communicated verbally and in writing to staff, students, and parents.
- The school's disciplinary policies are fairly and consistently administered.
- Schools and classrooms provide supportive environments free of intimidation and violence.
- Staff has high expectations for all students and provides support and recognition for positive behavior and academic achievement.
- There is a well-developed sense of community, respect, affiliation, and bonding among students, staff and parents.
- Staff and students are sensitive to and respect all individuals. The backgrounds of all students are acknowledged, respected and incorporated in the school curriculum and activities.

DETERMINATION OF MEETING EXPECTED AND EXEMPLARY GROWTH STANDARDS

A composite score is used to determine if a school has met its expected or exemplary growth standards. If the composite score for exemplary growth is greater than or equal to 0, then the school has met the goal and is eligible to receive incentive awards. The composite score allows a school to be below standard in some areas but above standard in other areas and still reach the expected/exemplary growth standard overall. The ABC Tools software will perform all calculations related to test scores. This software is provided to LEA test coordinators by DPI's Division of Accountability Services. Using the software, the following steps are performed automatically to determine if a school has made expected or exemplary growth:

1. The following steps are used to calculate the writing index for each of the most recent years and the overall writing index.

- a. Multiply the percent of students in Level IV (scores 3.5 or 4.0) times 3,
- b. Multiply the percent of students in Level III (scores 2.5 or 3.0) times 2,
- c. Determine the percent of students in Level II (scores 1.5 or 2.0).
- d. Add these three numbers together, and divide by 3.

Example: Step a: 6% of students are Level IV (3.5-4.0): $6 \times 3 = 18$

1994 Data Step b: 48% of students are Level III (2.5-3.0): $48 \times 2 = 96$

Step c: 34% of students are Level II (1.5-2.0): 34

Step d: $18 + 96 + 34 = 148 \div 3 = 49.3$ (1994 index)

Step e: Use the same procedure to calculate the 1995 index and the 1996 index.

Step f: Average the indices for 1994 and 1995 to get the baseline.

$(1994 \text{ index} + 1995 \text{ index}) \div 2 = \text{Baseline}$

Step g: Determine the two-year index using the higher of the two following calculations:

$(1995 \text{ index} + 1996 \text{ index}) \div 2$

OR

$(1994 \text{ index} + 1996 \text{ index}) \div 2$

Step h: The overall writing index is the average two-year index minus the baseline. It is used for determining the composite score for both expected and exemplary growth standards.

NOTE: The purpose of all testing in the accountability model is to measure the percentage of students who are performing at or above grade level. Therefore, the higher the score on the writing test, the more it is weighted in the index. For example, Level I scores are not given any weight because they do not contribute to students who are performing at grade level. Level II scores are only taken at value. Level III is multiplied times two because it is near the top, and Level IV is given maximum value in weighting because it is the highest score possible on the test.

2. Review expected and exemplary growth standards for reading and mathematics at each grade level included in the state testing program (grades 3-8).
3. Determine the actual growth in reading and mathematics at each grade level. Use data on matched groups of students (cohort groups).
4. Subtract the actual growth from the expected growth in reading and mathematics at each grade level.
5. Divide the difference in growth for reading, writing, and mathematics by the associated standard deviation at each grade level. (Remember, the ABC Tools software performs all of these calculations.)

*NOTE: This step is very important. By dividing by the standard deviations, the resulting numbers are standardized to accommodate the different score types; i.e., developmental scale scores and the writing index. If only the differences were added, the writing test would count considerably more than any other test in the composite. Once the difference in actual and expected growth is divided by the standard deviation, the resulting number is called the **standardized growth score**.*

6. Add the expected standardized growth scores for reading and mathematics at each grade level, 3-8, and for writing at grades 4 and/or 7. If the resulting number is 0 or above, the school has met the expected growth standard.

NOTE: Steps similar to steps four through six are used to determine the composite score for exemplary standards.

7. Calculate the standardized growth scores for the exemplary standards.
 - subtract the actual growth from the exemplary growth standard in reading and mathematics at each grade level
 - divide this difference in growth for reading, writing, and mathematics by the associated standard deviation at each grade level.
8. Add the exemplary standardized growth scores for reading and mathematics at each grade level, 3-8, and for writing at grades 4 and/or 7. If the resulting number is 0 or above, the school has met the exemplary growth standard.

A complete example of calculations is provided on the following pages.

NOTE: A pre-test is being administered in the fall of 1996 to third graders so that the model can show growth from fall to spring.

EXAMPLE
DETERMINATION OF MEETING EXPECTED AND EXEMPLARY GROWTH
STANDARDS

1. Calculate the writing index. (1994 Data)

Step a: 6% of students are Level IV: $6 \times 3 = 18$

Step b: 48% of students are Level III: $48 \times 2 = 96$

Step c: 34% of students are Level II: 34

Step d: $18 + 96 + 34 = 148 \div 3 = 49.3$ (1994 index)

Step e: Use the same procedure to calculate the 1995 index and the 1996 index.

Suppose the index for 1995 is 43.0 and the index for 1996 is 48.2.

Step f: Average the indices for 1994 and 1995 to get the baseline.

$(1994 \text{ index} + [49.3] + 1995 \text{ index} [43.0]) \div 2 + \text{Baseline} = 46.2$

Step g: Determine average two-year index using the higher of the two following calculations:

$(1995 \text{ index} [43.0] + 1996 \text{ index} [48.2]) \div 2 = 45.6$

OR

✓ $(1994 \text{ index} [49.3] + 1996 \text{ index} [48.2]) \div 2 = 48.8$

Step h: The overall writing index is the higher average two-year index minus the baseline.
 $(48.8 - 46.2 = 2.6)$

2. Review expected and exemplary growth standards for reading and mathematics at each grade level, 3-8 (Columns III and V).
3. Determine the actual growth in reading and mathematics at each grade level (Column II). Use data on groups of matched students (cohort groups).
4. Subtract the actual growth from the expected growth (Column IV).

An example of steps one through four is provided on the following page.

EXAMPLE - continued

Steps one through four:

Grade Levels (Column I)	Actual Growth (Column II)	Expected Growth (Column III)	Difference in Actual and Expected Growth (Column IV)	Exemplary Growth Standard ¹ (Column V)
Reading 3 to 4	6.6	5.7	+0.9	6.2
Reading 4 to 5	5.5	4.9	+0.6	5.4
Reading 5 to 6	4.1	3.2	+0.9	3.5
Math 3 to 4	9.6	8.3	+1.3	9.1
Math 4 to 5	8.3	8.0	+0.3	8.7
Math 5 to 6	7.4	7.8	-0.4	8.5

Next steps:

5. Calculate the standardized growth (Column D below) by dividing the difference in growth (Column B below) by the standard deviation of the growth across the state at each grade level (Column C below), including writing at grades 4 and/or 7.
6. Add the values in the standardized growth column (Column D) to get a total. If the sum is 0 or greater, the school has met the expected growth standard. This school has met the expected growth standard.

An example of steps five and six is provided on the following page.

¹ Determined by multiplying the average statewide growth by 110% and using that number in the formula.

EXAMPLE - continued

Steps five and six:

Grade Levels (Column A)	Difference in Actual and Expected Growth (Column B - same as Column IV)	Standard Deviation of Growth Across the State ² (Column C)	Standardized Growth (Column D which is Column B/C)
Reading Scores			
Grade 3 to 4	+0.9	1.28	+0.70
Grade 4 to 5	+0.6	1.22	+0.49
Grade 5 to 6	+0.9	1.27	+0.71
Mathematics Scores			
Grade 3 to 4	+1.3	2.07	+0.63
Grade 4 to 5	+0.3	1.99	+0.15
Grade 5 to 6	-0.4	2.13	-0.19
Writing Score(s)			
Grade 4	+2.6	6.08	+0.43
Total			+2.92 Met

Next steps:

7. Use the same process to determine if the exemplary standard is met by subtracting the actual growth from the exemplary growth as in step 4.
8. Calculate the standardized growth by dividing the difference in growth by the standard deviation of the growth across the state at each grade level, including writing at grades 4 and/or 7. Add the values in the standardized growth column to get a total. If the sum is 0 or greater, the school has met the exemplary growth standard.

²These figures are set as constants: For reading and mathematics, spring '93 to spring '94. For writing, '94 to '95 compared with '95 to '96 growth or '94 to '95 compared with '94 to '96 growth.

EXAMPLE - continued

Steps seven through eight:

Grade Levels	Actual Growth	Exemplary Growth Standard	Difference in Actual and Exemplary Growth	Standard Deviation of Growth Across the State ³	Standardized Growth
Reading Scores					
Grade 3 to 4	+6.6	+6.2	+0.4	1.28	+0.31
Grade 4 to 5	+5.5	+5.4	+0.1	1.22	+0.08
Grade 5 to 6	+4.1	+3.5	+0.6	1.27	+0.47
Mathematics Scores					
Grade 3 to 4	+9.6	+9.1	+0.5	2.07	+0.24
Grade 4 to 5	+8.3	+8.7	-0.4	1.99	-0.20
Grade 5 to 6	+7.4	+8.5	-1.1	2.13	-0.52
Writing Score(s)					
Grade 4			+2.6	6.08	+0.43
Total					+0.81 Met

³These figures are constants: For reading and mathematics, spring '93 to spring '94. For writing, '94 to '95 compared with '95 to '96 growth or '94 to '95 compared with '94 to '96 growth.

Teacher Performance Appraisal System

THE STANDARDS AND PROCESS FOR USE

North Carolina
Department of Public Instruction
Division of Personnel Relations
Personnel Services Area
Raleigh

Spring 1986

EVALUATORS

By legislation and policy, evaluation of teachers is the responsibility of the building principal or his/her designee, as approved by the local superintendent. It is important to distinguish, however, between observation and evaluation. The validity of the TPAI rests on multiple observations of any teacher's performance. Observers do not complete a TPAI form at the conclusion of each observation. Rather, they use a Formative Observation Data Instrument (FODI) and Formative Observation Data Analysis (FODA), through which teachers receive post-observation feedback. These forms are then given to the principal for his/her use in completing the summative performance evaluation.

All persons who use the TPAI to evaluate staff must have successfully completed the twenty-four hours of Teacher Performance Appraisal Training.

The Department of Public Instruction is conducting field studies to determine the inter-rater reliability of evaluators in the 16 Career Ladder pilot systems and is instituting procedures to cause acceptable agreement.

GUIDELINES FOR THE EVALUATION PROCESS

Along with the new teacher performance appraisal instrument is a new process for annual evaluation.

Under the guidelines of the Quality Assurance Program, as set forth in the N. C. Administrative Code (Appendix B), for those new teachers who possess the two-year, non-renewable, initial certificate, each local board of education must establish procedures to provide mentors or support teams, and provide for conducting a minimum of three (3) observations during each year for every teacher holding the initial certificate. To upgrade the initial certificate to the five-year, renewable continuing certificate, the person must be "at standard" or better on each of the first 5 functions.

For persons who have attained "career status" in the system (usually commencing with the 4th year of employment) the person must be observed a minimum of 3 times per year and receive a rating of "at standard" or better on all 8 functions.

Guidelines for observers of initially certified teachers include the following:

1. All observations should be conducted by persons who have been trained in the use of the observation/evaluation instrument.
2. Each teacher should be observed on at least three (3) occasions during each school year:
- *3. For initially certified teachers, when a support team is used, at least one complete team observation, collectively and/or individually, of each teacher should be made during each of the following three (3) time periods:
 - A. Before October 30
 - B. Between October 30 - January 15
 - C. After January 15
4. At least one of the observation visits should be announced and discussed with the teacher who will be observed and at least one of the visits should be unannounced.
5. Classroom observations should begin immediately after the bell rings for instruction to begin or precisely at the time scheduled for the lesson to begin.

6. If a significant interruption occurs during the observation, the observation should be stopped. The reason for discontinuing the observation should be noted on the form and the teacher should be revisited during the next two weeks. Observations should be conducted on different days of the week until more than five (5) observations have been conducted covering each day of the week school is in session. Each observation should be conducted during different hours of the day until the number of observations exceeds the available periods of instruction unless there is need to observe the same subject/class more than one time.
7. Each classroom observation should last for at least 50 minutes (or an entire class period). The observer should remain in the classroom until the end of the instructional period or activity.
8. The observer should sit in the classroom where students and teachers can be seen and heard easily. The observer's attention should be focused on what the teacher and students are doing.
9. The observer should not expect to observe all of the teaching practices during any particular observation, but should note all of those which are observed. Multiple observations will be required to observe all practices, even in effective teachers' classrooms.
10. The field-notes should describe exactly what was seen and heard and should relate to the practices contained in the instrument. Notes may also record incorrectly taught content and/or poor practice not on the instrument. These may then be addressed in the professional development plan.
11. Field notes should record all practices that occur frequently or infrequently and should actually reflect how effectively the teacher engages in the practices.
12. As soon as possible after the classroom observation has been completed, the observer should use the field-notes to complete the Formative Observation Data Analysis. This should be used to relate observations to the teacher later, and filed in the principal's working file maintained on each teacher. A post-observation conference must be conducted after each observation.
- *13. For formative observation of initially certified teachers, the support team members should come to collective agreement regarding teacher strengths and areas for development prior to the design of a professional development plan with the teacher.

- *14. For summative observation of the initially certified teachers, the support team members should come to collective agreements in rating of the teacher performance on each of the five teaching functions, using the scale on the instrument. One instrument is then completed, representing the consensus of the team.
- *15. For the initially certified teacher, the ratings should be based upon support team's agreement regarding the teachers performance at the time of that rating.
- *16. Within five working days of the time the observations are completed, the team or team representatives should meet with the initially certified teacher to discuss observations and recommendations.
- 17. Copies of the observations/recommendations and the professional development plan should be included in each teacher's file maintained in the principal's office and the portfolio in the superintendent's/designee's office.
- * These apply primarily to initially certified personnel
- 18. Each page of the observation/assessment instrument(s) should be initialed by the observer using the instrument(s).

The Formative Observation Data Instrument (FODI) contains the raw data transcribed during the observation. This data is analyzed and a summary analysis is written on the Formative Observation Data Analysis (FODA) form. The principal or designee utilizes these data when completing the TPAI for the annual summative evaluation.

OBSERVATIONS AND CONFERENCES

The evaluation schedule specifies that there will be three observations each year, of which at least one must be announced and one must be unannounced.

Announced observations should be preceded by a pre-observation conference. A pre-observation conference is a meeting between an evaluator and evaluatee prior to observation of an evaluatee's performance. It is a time when the two parties can review, share, and clarify information, and finalize arrangements prior to the formal observation. The pre-observation conference should take place within one to four days of the observation. For maximum effectiveness, these two activities should be scheduled as close to each other as possible.

The length and detail of a pre-observation conference will vary. An adequate amount of time should be allotted to cover the points mentioned above. It is also advisable to conduct the pre-observation conference in the teacher's own classroom where reference can be made to the working environment.

Observations, either announced or unannounced, can either be formal or informal. The formal observation is a structured on-the-job observation to gather information related to the performance of the evaluatee. Furthermore, it is considered one of the most important aspects of performance appraisal for it is in this observation that objective data are gathered and recorded for use in the post-observation and summative evaluation conference.

It is essential that the information be collected and recorded in an objective manner. To help the observer in recording relevant data, a Formative Observation Data Instrument (FODI) is used. The key activity of an observer in conducting a formal observation is to record relevant data that can be used in discussing performance in the post-observation and summative appraisal conferences.

Although the time and length of a formal observation will vary, it is recommended that the observer attend the entire lesson or entire class period, as appropriate. The time of the year for formal observations will be determined by locally established schedules for observing and for completing performance appraisals of employees, and the number of employees supervised by the observer.

The recommended frequency for conducting the formal observation will vary between school systems and within schools. Some employees may want or need additional formal observations to collect additional information or provide additional help.

An informal observation of an evaluatee is an unannounced observation to gain general awareness and feedback of an evaluatee's performance in his/her job duties and responsibilities. Aspects that might be considered are: participation in staff meetings, observing work schedules, support or non-instructional activities, and other indicators on the TPAI.

Every formal observation must be followed by a post-observation conference conducted within one to four working days of the formal observation. This conference provides an opportunity for the evaluator and evaluatee to clarify, correct, and share information regarding the formal job observation. It is a time for open discussion about the job performance of the evaluatee and should result in the identification of his/her performance strengths, weaknesses, and areas that need improvement.

Results of formal observations, as recorded on the FODI, are analyzed and summarized on the Formative Observation Data Analysis form (FODA). FODAs and data gained informally are utilized for the purpose of rating each of the eight functions of the TPAI in preparation for the summative appraisal conference.

The summative performance appraisal conference is conducted annually with each employee. The purpose of this conference is to review, discuss, and summarize the year's performance of the evaluatee as recorded on the TPAI. In conducting the summative conference, the evaluator will want to take into consideration and use the results of the formal and informal observations and conferences conducted during the school year and the completed performance appraisal instrument.

All of the data collected throughout the observation cycle, along with other information pertinent to job performance, should be readily available and used in conducting the summative appraisal conference. It is desirable that the evaluator spend time in planning the conference to assure the availability of information and organization of thoughts and pertinent points for review during the conference.

The amount of time allotted to the summative conference will vary. It is reasonable to allow about one hour for the summative conference. This would allow time for an open discussion regarding the year's performance.

For these conferences, the schedule will need to take into account local conditions and rules and regulations related to probationary and career teachers, and decisions regarding continued employment. The TPAI should contain any pertinent statements by either evaluator or evaluatee and should be signed by both parties.

JOB DESCRIPTION OF THE TEACHER

REPORT TO: Principal

SUPERVISES: May coordinate and direct the activities of teacher aides

PURPOSES: To plan, organize and present instruction and instructional environments which help students learn subject matter and skills that will contribute to their educational and social development.

DUTIES AND RESPONSIBILITIES

A. MAJOR FUNCTION: Management of Instructional Time

The Teacher:

has materials, supplies, and equipment for each lesson ready at the start of the lesson or instructional activity; gets the class started quickly; gets students on task quickly at the beginning of each lesson; maintains a high level of student time-on-task.

B. MAJOR FUNCTION: Management of Student Behavior

The Teacher:

has established a set of rules and procedures that govern the handling of routine administrative matters; has established a set of rules and procedures that govern student verbal participation and talk during different types of activities—whole-class instruction, small group instruction, etc.; has established a set of rules and procedures that govern student movement in the classroom during different types of instructional and non-instructional activities; frequently monitors the behavior of all students during whole-class, small group, and seat work activities and during transitions between instructional activities; stops inappropriate behavior promptly and consistently, yet maintains the dignity of the student.

C. MAJOR FUNCTION: Instructional Presentation

The Teacher:

begins lesson or instructional activity with a review of previous materials; introduces the lesson or instructional activity and specific learning objectives when appropriate; speaks fluently and precisely; presents the lesson or instructional activity using concepts and language understandable to the students; provides relevant examples and demonstrations to illustrate concepts and skills; assigns tasks that students handle with a high rate or success; asks appropriate levels of questions that students handle with a high rate of success; conducts lesson or instructional activity at a brisk pace, slowing presentations when necessary for student understanding but avoiding slowdowns; makes transitions between lessons and between instructional activities within lessons efficiently and smoothly; makes sure that the assignment is clear; summarizes the main point(s) of the lesson at the end of the lesson or instructional activity.

D. MAJOR FUNCTION: Instructional Monitoring of Student Performance

The Teacher:

maintains clear, firm and reasonable work standards and due dates; circulates during classwork to check all students' performance; routinely uses oral, written, and other work products to check student progress; poses questions clearly and one at a time.

E. MAJOR FUNCTION: Instructional Feedback

The Teacher:

provides feedback on the correctness or incorrectness of in-class work to encourage student growth; regularly provides prompt feedback on assigned out-of-class work; affirms a correct oral response appropriately, and moves on; provides sustaining feedback after an incorrect response or no response by probing, repeating the question, giving a clue, or allowing more time.

F. MAJOR FUNCTION: Facilitating Instruction

The Teacher:

has an instructional plan which is compatible with the school and system-wide curricular goals; uses diagnostic information obtained from tests and other assessment procedures to develop and revise objectives and/or tasks; maintains accurate records to document student performance; has instructional plan that matches/aligns objectives, learning strategies, assessment and student needs at the appropriate level of difficulty; uses available human and material resources to support the instructional program.

G. MAJOR FUNCTION: Interacting Within the Educational Environment

The Teacher:

treats all students in a fair and equitable manner; interacts effectively with students, co-workers, parents, and community.

H. MAJOR FUNCTION: Performing Non-Instructional Duties

The Teacher:

carries out non-instructional duties as assigned and/or as need is perceived; adheres to established laws, policies, rules, and regulations; follows a plan for professional development and demonstrates evidence of growth.

TEACHER PERFORMANCE APPRAISAL SYSTEM

INSTRUCTIONS

1. Based on the evidence from observation and discussion, the evaluator is to rate the teacher's performance with respect to the 8 major functions of teaching listed below.
2. The evaluator is encouraged to add pertinent comments at the end of each major function.
3. The teacher is provided an opportunity to react to the evaluator's ratings and comments.
4. The evaluator and the teacher must discuss the results of the appraisal and any recommended action pertinent to it.
5. The teacher and the evaluator must sign the instrument in the assigned spaces.
6. The instrument must be filed in the teacher's personnel folder.
7. The rating scale will be as follows:

Level of Performance

6. Superior

Performance within this function area is consistently outstanding. Teaching practices are demonstrated at the highest level of performance. Teacher continuously seeks to expand scope of competencies and constantly undertakes additional, appropriate responsibilities.

5. Well Above Standard

Performance within this function area is frequently outstanding. Some teaching practices are demonstrated at the highest level while others are at a consistently high level. Teacher frequently seeks to expand scope of competencies and often undertakes additional, appropriate responsibilities.

4. Above Standard

Performance within this function area is frequently high. Some teaching practices are demonstrated at a high level while others are at a consistently adequate/acceptable level. Teacher sometimes seeks to expand scope of competencies and occasionally undertakes additional, appropriate responsibilities.

3. At Standard

Performance within this function area is consistently adequate/acceptable. Teaching practices fully meet all performance expectations at an acceptable level. Teacher maintains an adequate scope of competencies and performs additional responsibilities as assigned.

2. Below Standard

Performance within this function area is sometimes inadequate/unacceptable and needs improvement. Teacher requires supervision and assistance to maintain an adequate scope of competencies, and sometimes fails to perform additional responsibilities as assigned.

1. Unsatisfactory

Performance within this function area is consistently inadequate/unacceptable and most practices require considerable improvement to fully meet minimum performance expectations. Teacher requires close and frequent supervision in the performance of all responsibilities.

Rating Scale
(Please Check)

Teacher Name _____

School _____

Superior	Well Above Standard	Above Standard	At Standard	Below Standard	Unsatisfactory
----------	---------------------	----------------	-------------	----------------	----------------

1. Major Function: Management of Instructional Time

☐	☐	☐	☐	☐	☐
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

- 1.1 Teacher has materials, supplies and equipment ready at the start of the lesson or instructional activity.
- 1.2 Teacher gets the class started quickly.
- 1.3 Teacher gets students on task quickly at the beginning of each lesson or instructional activity.
- 1.4 Teacher maintains a high level of student time-on-task.

Comments _____

2. Major Function: Management of Student Behavior

☐	☐	☐	☐	☐	☐
--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

- 2.1 Teacher has established a set of rules and procedures that govern the handling of routine administrative matters.
- 2.2 Teacher has established a set of rules and procedures that govern student verbal participation and talk during different types of activities—whole-class instruction, small group instruction, etc.
- 2.3 Teacher has established a set of rules and procedures that govern student movement in the classroom during different types of instructional activities.
- 2.4 Teacher frequently monitors the behavior of all students during whole-class, small group, and seat work activities and during transition between instructional activities

BEST COPY AVAILABLE

Rating Scale
(Please Check)

Superior	Well Above Standard	Above Standard	At Standard	Below Standard	Unsatisfactory
----------	---------------------	----------------	-------------	----------------	----------------

- 2.5 Teacher stops inappropriate behavior promptly and consistently, yet maintains the dignity of the student.

Comments _____

3. Major Function: Instructional Presentation

☐ ☐ ☐ ☐ ☐ ☐

- 3.1 Teacher begins lesson or instructional activity with a review of previous material.
- 3.2 Teacher introduces the lesson or instructional activity and specifies learning objectives when appropriate.
- 3.3 Teacher speaks fluently and precisely.
- 3.4 Teacher presents the lesson or instructional activity using concepts and language understandable to the students.
- 3.5 Teacher provides relevant examples and demonstrations to illustrate concepts and skills.
- 3.6 Teacher assigns tasks that students handle with a high rate of success.
- 3.7 Teacher asks appropriate levels of questions that students handle with a high rate of success.
- 3.8 Teacher conducts lesson or instructional activity at a brisk pace, slowing presentations when necessary for student understanding but avoiding unnecessary slowdowns.
- 3.9 Teacher makes transitions between lessons and between instructional activities within lessons efficiently and smoothly.

Rating Scale
(Please Check)

Superior
Well Above Standard
Above Standard
At Standard
Below Standard
Unsatisfactory

- 3.10 Teacher makes sure that the assignment is clear.
- 3.11 Teacher summarizes the main point(s) of the lesson at the end of the lesson or instructional activity.

Comments _____

4. Major Function: Instructional Monitoring of Student Performance

☐ ☐ ☐ ☐ ☐ ☐

- 4.1 Teacher maintains clear, firm and reasonable work standards and due dates.
- 4.2 Teacher circulates during classwork to check all students' performance.
- 4.3 Teacher routinely uses oral, written, and other work products to check student progress.
- 4.4 Teacher poses questions clearly and one at a time.

Comments _____

5. Major Function: Instructional Feedback

☐ ☐ ☐ ☐ ☐ ☐

- 5.1 Teacher provides feedback on the correctness or incorrectness of in-class work to encourage student growth.

Rating Scale
(Please Check)

Superior	Well Above Standard	Above Standard	At Standard	Below Standard	Unsatisfactory
----------	---------------------	----------------	-------------	----------------	----------------

- 5.2 Teacher regularly provides prompt feedback on assigned out-of-class work.
- 5.3 Teacher affirms a correct oral response appropriately, and moves on.
- 5.4 Teacher provides sustaining feedback after an incorrect response or no response by probing, repeating the question, giving a clue, or allowing more time.

Comments _____

6. Major Function: Facilitating Instruction

☐ ☐ ☐ ☐ ☐ ☐

- 6.1 Teacher has an instructional plan which is compatible with the school and systemwide curricular goals.
- 6.2 Teacher uses diagnostic information obtained from tests and other assessment procedures to develop and revise objectives and/or tasks.
- 6.3 Teacher maintains accurate records to document, student performance.
- 6.4 Teacher has instructional plan that matches/aligns objectives, learning strategies, assessment and student needs at the appropriate level of difficulty.
- 6.5 Teacher uses available human and material resources to support the instructional program.

Rating Scale
(Please Check)

Superior	Well Above Standard	Above Standard	At Standard	Below Standard	Unsatisfactory
----------	---------------------	----------------	-------------	----------------	----------------

Comments _____

7. Major Function: Communicating Within The Educational Environment

☐ ☐ ☐ ☐ ☐ ☐

- 7.1 Teacher treats all students in a fair and equitable manner.
- 7.2 Teacher interacts effectively with students, co-workers, parents, and community.

Comments _____

8. Major Function: Performing Non-Instructional Duties

☐ ☐ ☐ ☐ ☐ ☐

- 8.1 Teacher carries out non-instructional duties as assigned and/or as need is perceived.
- 8.2 Teacher adheres to established laws, policies, rules, and regulations.
- 8.3 Teacher follows a plan for professional development and demonstrates evidence of growth.

Comment _____

Teacher's Name _____

Date of Observation _____

FORMATIVE OBSERVATION DATA ANALYSIS

Based on your observations, address each of the following areas using statements which accurately reflect the quality of performance documented by your raw data.

<u>MANAGEMENT OF INSTRUCTIONAL TIME</u>	<u>MANAGEMENT OF STUDENT BEHAVIOR</u>
<u>INSTRUCTIONAL PRESENTATION</u> Lesson Design - Focus and Review - Lesson Objective - Teacher Input - Guided Practice - Independent Practice - Closure Other Practices	<u>INSTRUCTIONAL MONITORING</u>
	<u>INSTRUCTIONAL FEEDBACK</u>

FACILITATING INSTRUCTION

COMMUNICATING WITHIN THE EDUCATIONAL ENVIRONMENT

NON-INSTRUCTIONAL DUTIES

From the classifications of raw data on this sheet, list the strengths observed in this lesson, and prioritize the areas needing improvement.

Strengths:

Areas That Need Improvement (Prioritize):

I have been furnished a copy of this analysis sheet. In addition, I have been given access to the raw data from which this analysis was prepared. I understand that the raw data will not be placed in my personnel file.

_____ I have requested and been given a copy of the raw data.

_____ I have not requested and do not wish a copy of the raw data.

Signed _____ / _____
Teacher Date

Principal Date

FORMATIVE OBSERVATION DATA INSTRUMENT

INSTRUCTIONS: Use this sheet to record anecdotally and sequentially those events which occur during the classroom observation. Be sure to code each instance of a TPAI practice as follows:

- appropriate use of practice
- + strong or positive use of practice
- weak or negative use of practice

Practice	Time	Comments
1. INSTRUCTIONAL TIME		
1.1 Materials ready		
1.2 Class started quickly		
1.3 Gets students on task		
1.4 Maintains high time-on-task		
2. STUDENT BEHAVIOR		
2.1 Rules--Administrative Matters		
2.2 Rules--Verbal Participation/Talk		
2.3 Rules-Movement		
2.4 Frequently monitors behavior		
2.5 Stops inappropriate behavior		
3. INSTRUCTIONAL PRESENTATION		
3.1 Begins with review		
3.2 Introduces lesson		
3.3 Speaks fluently		
3.4 Lesson understandable		
3.5 Provides relevant examples		
3.6 High rate of success on tasks		
3.7 Appropriate level of questions		
3.8 Brisk pace		
3.9 Efficient, smooth transitions		
3.10 Assignment clear		
3.11 Summarizes main points		
4. INSTRUCTIONAL MONITORING		
4.1 Maintains deadlines, standards		
4.2 Circulates to check student performance		
4.3 Uses oral, written work products to check progress		
4.4 Questions clearly and one at a time		
5. INSTRUCTIONAL FEEDBACK		
5.1 Feedback on in-class work		
5.2 Prompt feedback on out-of-class work		
5.3 Affirms correct answer quickly		
5.4 Sustaining feedback on incorrect answers		
6. FACILITATING INSTRUCTION		
6.1 Instructional plan compatible with goals		
6.2 Diagnostic information to develop tasks		
6.3 Maintains accurate records		
6.4 Available resources support program		
7. COMMUNICATING WITHIN THE EDUCATIONAL ENVIRONMENT		
7.1 Treats all students fairly		
7.2 Interacts effectively within school and community		
8. NON-INSTRUCTIONAL DUTIES		
8.1 Carries out non-instructional duties		
8.2 Adheres to laws, policies		
8.3 Plan for professional development		

Evaluator's Summary Comments _____

Teacher's Reactions to Evaluation _____

Evaluator's signature and date

Teacher's signature and date

Signature indicates
that the written
evaluation has
been seen and
discussed.

PROFESSIONAL DEVELOPMENT PLAN

Name _____ Position/Subject Area _____ School _____

Certification _____ Initial _____ Continuing _____ Expiration Date of Certificate _____ Date of Professional Development Plan _____

Major Functions	☐ I. Management of Instructional Time	☐ V. Instructional Feedback	Goal(s):
	☐ II. Management of Student Behavior	☐ VI. Facilitating Instruction	
	☐ III. Instructional Presentation	☐ VII. Interacting Within Educational Environment	
	☐ IV. Instructional Monitoring	☐ VIII. Performing Non-Instructional Duties	
	☐ Other _____		

Practices and/or Strengths	Activities (Strategies)	Evidence of Completion	Resources	Target Date	Completion Date

ACCOMPLISHMENT Date _____ ☐ Fully Accomplished ☐ Partially Accomplished ☐ Not Accomplished REASON	SUPERVISOR'S COMMENTS	EMPLOYEE'S COMMENTS
--	------------------------------	----------------------------

SIGNATURES:	SUPERVISOR'S SIGNATURE	DATE	EMPLOYEE'S SIGNATURE	DATE
Initial Conference	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
Review -	_____	_____	_____	_____
Review -	_____	_____	_____	_____
Review -	_____	_____	_____	_____

If employee has initial certification, mentor and/or support team members should also sign.

SCHOOL COUNSELOR PERFORMANCE APPRAISAL INSTRUMENT

Counselor Name: _____

School: _____

Rating Scale
(Please Check)

Superior	Well Above Standard	Above Standard	At Standard	Below Standard	Unsatisfactory
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1.0 MAJOR FUNCTION: PROGRAM PLANNING

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- 1.1 Organizes the counseling program by assessing needs, setting goals, and formulating a plan of action and program evaluation.
- 1.2 Initiates and coordinates school-wide guidance and counseling activities.
- 1.3 Manages time effectively and provides services on schedule.
- 1.4 Maintains an organized, functional, and up-to-date office/counseling center.
- 1.5 Seeks input from teachers and staff in making decisions about the school counseling program.

Comments: _____

2.0 MAJOR FUNCTION: COUNSELING

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- 2.1 Demonstrates knowledge of counseling theories by selecting appropriate models and techniques for individual and group counseling.
- 2.2 Uses appropriate counseling processes and techniques for individual and group sessions to meet developmental, preventive, and remedial needs of students.

2.3 Uses appropriate assessment and diagnostic procedures for determining and structuring individual and group counseling services.

2.4 Follows up individual and group counseling to monitor student progress.

Comments: _____

Rating Scale
(Please Check)

Superior	Well Above Standard	Above Standard	At Standard	Below Standard	Unsatisfactory
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3.0 MAJOR FUNCTION: CONSULTING

☐	☐	☐	☐	☐	☐
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3.1 Demonstrates knowledge of consulting processes and techniques with students, parents, teachers, and administrators.

3.2 Assists parents and teachers in understanding and responding to developmental levels of students.

3.3 Presents instructional/informational programs to groups, parents, and teachers (e.g., parent education programs, group guidance, teacher in-service).

3.4 Interprets achievement and aptitude test data to assist school staff with curriculum planning.

Comments: _____

4.0 MAJOR FUNCTION: COORDINATING

☐	☐	☐	☐	☐	☐
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4.1 Communicates effectively with students, parents, and staff.

4.2 Advocates for all students.

4.3 Assists teachers with the integration of guidance activities into the curriculum.

- 4.4 Shares appropriate information about students with school personnel, parents, and community agencies.
- 4.5 Makes appropriate referrals of students to school and community programs.
- 4.6 Assists with coordination of student services in the school.
- 4.7 Assists with coordination of the school's annual testing program.

Comments: _____

5.0 MAJOR FUNCTION: STUDENT APPRAISAL

☐☐☐☐☐☐

- 5.1 Interprets testing results and other student data accurately.
- 5.2 Conducts nonstandardized educational assessment according to professional practices (e.g., classroom observation).
- 5.3 Uses standardized tests and inventories according to published practices and professional standards.
- 5.4 Assures that testing conditions and the administration of standardized tests in the school are appropriate.

Comments _____

6.0 MAJOR FUNCTION: PROFESSIONAL PRACTICES AND DEVELOPMENT

☐☐☐☐☐☐

- 6.1 Adheres to ethical standards of the counseling profession.
- 6.2 Follows the laws, policies, and procedures which govern school programs.

6.3 Carries out other school duties assigned by the administration, provided these assignments do not interfere with the counseling program and services to students.

6.4 Takes part in professional development activities to improve knowledge and skills.

Comments: _____

Evaluator's Summary Comments: _____

School Counselor's Reactions to Evaluation: _____

Evaluator's signature and date

School Counselor's signature and date

Signature indicates that the written evaluation has been seen and discussed.

SCHOOL PSYCHOLOGIST PERFORMANCE APPRAISAL INSTRUMENT

School Psychologist Name: _____

School or Base-assignment: _____

**Rating Scale
(Please Check)**

Superior	Well Above Standard	Above Standard	At Standard	Below Standard	Unsatisfactory
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1.0 MAJOR FUNCTION: ASSESSMENT AND INTERPRETATION

☐	☐	☐	☐	☐	☐
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- 1.1 Assists in early identification of students' learning and adjustment problems.
- 1.2 Conducts assessments appropriate to the focus of concern and according to prevailing professional standards.
- 1.3 Conducts assessments with consideration of the characteristics of the student or group of students (including ethnic, cultural, socioeconomic, and handicapping considerations).
- 1.4 Assists in identifying factors in the learning environment that may affect the student and assessing their degree of impact.
- 1.5 Integrates data from assessment procedures and develops hypotheses relative to (1) instructional and educational programming and (2) program eligibility and placement.
- 1.6 Assists in planning and developing interventions, programs and/or services based on the identified needs of the student or group of students.

Comments: _____

**Rating Scale
(Please Check)**

Superior	Well Above Standard	Above Standard	At Standard	Below Standard	Unsatisfactory
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2.0 MAJOR FUNCTION: DIRECT INTERVENTIONS FOR STUDENTS

☐ ☐ ☐ ☐ ☐ ☐

- 2.1 Teaches students how to develop effective learning strategies and personal and social skills.
- 2.2 Counsels students on educational and personal adjustment issues.
- 2.3 Evaluates effectiveness of individual and group interventions and modifies interventions based on data collected.

Comments: _____

3.0 MAJOR FUNCTION: CONSULTATION AND TRAINING

☐ ☐ ☐ ☐ ☐ ☐

- 3.1 Demonstrates knowledge of consultation models and processes.
- 3.2 Consults with teachers, other school staff, and parents about ways to facilitate learning and adjustment for individuals or groups of students.
- 3.3 Consults with teachers and other school staff on classroom, school, or system needs.
- 3.4 Helps provide liaison and coordination between the school system and other relevant agencies to facilitate services for students and families.
- 3.5 Interprets educational policies, programs, and procedures related to psychological services.
- 3.6 Provides information, and/or education in the application of learning theory, child development, and other psychological principles to school personnel and parents.
- 3.7 Plans and implements in-service programs for staff and/or parents.

Comments: _____

**Rating Scale
(Please Check)**

Superior	Well Above Standard	Above Standard	At Standard	Below Standard	Unsatisfactory
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4.0 MAJOR FUNCTION: PROGRAM DEVELOPMENT

☐	☐	☐	☐	☐	☐
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- 4.1 Conducts and/or assists in conducting formal and informal needs assessment to determine program characteristics and needs.
- 4.2 Works with others to develop programs and program strategies to maximize learning for students.
- 4.3 Assists in planning for the evaluation of programs.
- 4.4 Assists school personnel in analyzing, interpreting, and disseminating results of program evaluations.

Comments: _____

5.0 MAJOR FUNCTION: SCHOOL PSYCHOLOGY PROGRAM IMPLEMENTATION

☐	☐	☐	☐	☐	☐
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- 5.1 Assists in the development of a comprehensive program of services to all students.
- 5.2 Adheres to established program goals, priorities, and objectives.
- 5.3 Plans, maintains, and/or participates in a system of accountability for services delivered.

Comments: _____

**Rating Scale
(Please Check)**

Superior	Well Above Standard	Above Standard	At Standard	Below Standard	Unsatisfactory
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6.0 MAJOR FUNCTION: PROFESSIONAL PRACTICE AND DEVELOPMENT

☐	☐	☐	☐	☐	☐
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- 6.1 Delivers services consistent with the National Association of School Psychologists (NASP) and the American Psychological Association (APA) ethical principles and professional standards of practice.
- 6.2 Observes federal, state, and local policies and regulations in the delivery of school psychological services.
- 6.3 Works to ensure students' rights and welfare in the school and community.
- 6.4 Engages in continuing professional development by assessing one's own needs and seeking ways to address needs.

Comments: _____

7.0 MAJOR FUNCTION: COMMUNICATION AND RELATIONSHIP SKILLS

☐	☐	☐	☐	☐	☐
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- 7.1 Effectively communicates knowledge and ideas orally to individuals and groups.
- 7.2 Effectively communicates knowledge and ideas in writing.
- 7.3 Maintains effective interpersonal relationships and communication in the professional setting.

Comments: _____

Evaluator's Summary Comments: _____

School Psychologist's Reactions to Evaluation: _____

Evaluator's signature and date

School Psychologist's signature
and date

Signature indicates that the written evaluation has been seen and discussed.

SCHOOL SOCIAL WORKER PERFORMANCE APPRAISAL INSTRUMENT

School Social Worker Name: _____

School or Base-assignment: _____

**Rating Scale
(Please Check)**

Superior	Well Above Standard	Above Standard	At Standard	Below Standard	Unsatisfactory
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1.0 MAJOR FUNCTION: ASSESSMENT OF STUDENT NEEDS

☐	☐	☐	☐	☐	☐
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- 1.1 Gathers and records pertinent information to share with appropriate personnel.
- 1.2 Provides assessment services as appropriate for determining students with special needs.
- 1.3 Provides assessment to assure the implementation of services and/or placement for exceptional children.

Comments: _____

2.0 MAJOR FUNCTION: PROGRAM PLANNING AND EVALUATION

☐	☐	☐	☐	☐	☐
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- 2.1 Assists the school in planning programs that prevent/reduce/alleviate situations which may interfere with the learning process of students.
- 2.2 Provides input as requested into system-wide and departmental policy and planning decisions.
- 2.3 Assists as requested in the evaluation of departmental and system-wide plans, policies and programs.

Comments: _____

**Rating Scale
(Please Check)**

Superior	Well Above Standard	Above Standard	At Standard	Below Standard	Unsatisfactory
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3.0 MAJOR FUNCTION: DIRECT SERVICE

☐	☐	☐	☐	☐	☐
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3.1 Employs appropriate social work methods in situations affecting the student's educational progress.

3.2 Provides information about and facilitates use of clothing, nutritional, housing, transportation and health needs.

Comments: _____

4.0 MAJOR FUNCTION: ADVOCACY

☐	☐	☐	☐	☐	☐
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4.1 Maintains an advocacy role to assure that the student's educational, social, emotional, and material needs are met.

4.2 Advocates for students and parents in accordance with established laws, rules and regulations.

Comments: _____

5.0 MAJOR FUNCTION: CONSULTATION/EDUCATION

☐	☐	☐	☐	☐	☐
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5.1 Consults with staff and teachers on school and student needs.

5.2 Collaborates with community agencies to provide for student needs.

5.3 Provides in-service experiences to teachers and staff.

5.4 Supervises school social work interns.

Comments: _____

Rating Scale
(Please Check)

Superior	Well Above Standard	Above Standard	At Standard	Below Standard	Unsatisfactory
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6.0 MAJOR FUNCTION: COORDINATION/LIAISON

☐	☐	☐	☐	☐	☐
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- 6.1 Effectively researches and utilizes community resources in addressing the needs of students and their families.
- 6.2 Establishes, promotes and maintains positive relations with various publics.
- 6.3 Serves as liaison between the home, school and community.

Comments: _____

7.0 MAJOR FUNCTION: MANAGEMENT

☐	☐	☐	☐	☐	☐
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- 7.1 Organizes time, resources, energy and workload in order to meet responsibilities.
- 7.2 Maintains accurate case records and documentation.

Comments: _____

8.0 MAJOR FUNCTION: PROFESSIONAL PRACTICE AND DEVELOPMENT

☐	☐	☐	☐	☐	☐
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- 8.1 Adheres to a professional social work code of ethics.
- 8.2 Demonstrates effective communication and relationship skills.
- 8.3 Strives to develop professionally.

Comments: _____

Evaluator's Summary Comments: _____

School Social Worker's Reactions to Evaluation: _____

Evaluator's signature and date

School Social Worker's signature and date

Signature indicates that the written evaluation has been seen and discussed.

**STUDENT SERVICES PERSONNEL
FORMATIVE DATA ANALYSIS
(FODA)**

Major Function: _____

Date: _____ Competency (ies): _____

Evaluative Procedures:

Date: _____ Competency (ies): _____

Evaluative Procedures:

Date: _____ Competency (ies): _____

Evaluative Procedures:

Date: _____ Competency (ies): _____

Evaluative Procedures:

FODA CONT'D

Date

Strengths

Areas That Need Improvement

Summary Comments:

PROFESSIONAL DEVELOPMENT PLAN SCHOOL COUNSELOR

Name _____ Position/Subject Area _____ School _____

Certification _____ Initial _____ Continuing _____ Expiration Date of Certificate _____ Date of Professional Development Plan _____

Major Functions	☐ 1.0 Program Planning	☐ 4.0 Coordinating	Goal(s):
	☐ 2.0 Counseling	☐ 5.0 Student Appraisal	
	☐ 3.0 Consulting	☐ 6.0 Professional Practices and Development	
	☐ Other _____		

Practices and/or Strengths	Activities (Strategies)	Evidence of Completion	Resources	Target Date	Completion Date

ACCOMPLISHMENT Date _____ ☐ Fully Accomplished ☐ Partially Accomplished ☐ Not Accomplished REASON _____	SUPERVISOR'S COMMENTS	EMPLOYEE'S COMMENTS
--	------------------------------	----------------------------

SIGNATURES:	SUPERVISOR'S SIGNATURE	DATE	EMPLOYEE'S SIGNATURE	DATE
Initial Conference	_____	_____	_____	_____
	_____	_____	_____	_____
	_____	_____	_____	_____
Review -	_____	_____	_____	_____
Review -	_____	_____	_____	_____
Review -	_____	_____	_____	_____

If employee has initial certification, mentor and/or support team members should also sign.

COUNSELOR CONSULTATION OBSERVATION INSTRUMENT (*)

Observation Code: * appropriate use of practice
 + strong or positive use of practice
 - weak or negative use of practice
 NA not observed

1. INTRODUCTION

- 1.1 Establishes rapport
 - 1.2 States purpose of session
 - 1.3 Uses attending skills and accurate listening skills
 - 1.4 Demonstrates clear understanding of consultee's concerns
-

2. EXPLORATION

- 2.1 Uses appropriate questioning skills
 - 2.2 Helps consultee feel comfortable about discussing concerns
 - 2.3 Helps explore alternative solutions
 - 2.4 Provides accurate information
 - 2.5 Relies on the expertise of consultee
 - 2.6 Is accepting of other's ideas
 - 2.7 Helps narrow down alternatives
 - 2.8 Makes helpful, practical, and reasonable suggestions
-

3. ACTION

- 3.1 Moves the consultee toward appropriate decisions
 - 3.2 Helps with assignment of responsibilities
 - 3.3 Seeks agreement about the plan of action
 - 3.4 Clarifies role responsibilities
 - 3.5 Helps set a timeline for action
-

4. CLOSURE

- 4.1 Summarizes the decision made and responsibilities assigned
- 4.2 Expresses optimism
- 4.3 Sets date for follow-up conference
- 4.4 Closes session

(*) Developed by John J. Schmidt, Ed.D., Coordinator, School Counseling Section, Division of Student Services, Department of Public Instruction, Raleigh, NC, 1988.
Resource: Performance Appraisal Guidelines for Student Services Personnel.
NCDPI.

**PSYCHOLOGIST
CONSULTATION OBSERVATION INSTRUMENT (*)**

Observation Code: * appropriate use of practice
 + strong or positive use of practice
 - weak or negative use of practice
 NA not observed

1. ENTRY INTO RELATIONSHIP (ESTABLISHING THE CONTACT)

- 1.1 Establishes rapport
 - 1.2 Clarifies purpose of session
 - 1.3 Uses attending skills and accurate listening skills
 - 1.4 Demonstrates clear understanding of consultee's concerns
-

2. PROBLEM EXPLORATION AND DEFINITION

- 2.1 Uses appropriate questioning skills
 - 2.2 Helps consultee feel comfortable about discussing concerns
 - 2.3 Provides accurate information
 - 2.4 Relies on the expertise of consultee (Establishes collaborative approach)
 - 2.5 Explores all aspects of problem(s)
-

3. PROBLEM SOLVING

- 3.1 Helps explore alternative solutions/generate strategies
 - 3.2 Is accepting of other's ideas
 - 3.3 Makes helpful, practical, and reasonable suggestions
 - 3.4 Helps narrow down alternatives
-

4. PLAN IMPLEMENTATION/ACTION

- 4.1 Moves consultee towards an appropriate decision
 - 4.2 Clarifies role responsibilities
 - 4.3 Seeks agreement about the plan of action
 - 4.4 Helps with assignment of responsibilities
 - 4.5 Helps set a timeline for action
-

5. MONITORING AND EVALUATION PLAN

- 5.1 Discusses follow-up plans
 - 5.2 Establishes how plan/strategies will be evaluated
-

6. CLOSURE

- 6.1 Summarizes the decision made and responsibilities assigned
- 6.2 Expresses optimism
- 6.3 Sets date for follow-up conference
- 6.4 Closes session

(*) Adapted and expanded by Carolyn Cobb, Ph.D. from the Counselor Consultation Observation Instrument by John J. Schmidt, Ed.D. Resource: Performance Appraisal Guidelines for Student Services Personnel, NCS DPI, 1988.

VIDEO OBSERVATION SHEET #1

This observation sheet is to be used to record statements of the evaluator when you observe the Planning Conference video in this training program. View the tape and record the stems of statements and the time that they occurred. The headings may be used as a guide to "look fors" in the conference.

TIME:

Review of the PAI Process and
Purpose

Examination of and Agreement about the
Major Functions and Competencies to be
Evaluated during this Cycle
(Was the appropriate PAI used?)

Discussion and Agreement on the Methods of Data
Collection to be Used

Timelines for Data Collection and Conferences
during the Evaluation Cycle

IMPLEMENTING CHANGES IN PERFORMANCE APPRAISAL PRACTICES

**RELATIVE STRENGTHS OF MY/OUR
CURRENT METHODS OF APPRAISING
STUDENT SERVICES STAFF**

**STRATEGIES FOR FURTHER
IMPROVEMENT OR FUTURE
IMPLEMENTATION METHODS**

**RESOURCES & PERSONNEL
NEEDED FOR IMPROVEMENT**

**NEEDED CHANGES IN MY/OUR
STUDENT SERVICES APPRAISAL
METHODS**

108

119

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GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION
RATIFIED BILL

CHAPTER 716
SENATE BILL 1139

AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE JOINT
LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO IMPLEMENT
THE STATE BOARD OF EDUCATION'S ABC'S PLAN IN ORDER TO
ESTABLISH AN ACCOUNTABILITY MODEL FOR THE PUBLIC SCHOOLS
TO IMPROVE STUDENT PERFORMANCE AND INCREASE LOCAL
FLEXIBILITY AND CONTROL, AND TO MAKE CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

----SCHOOL-BASED MANAGEMENT AND ACCOUNTABILITY PROGRAM

Section 1. G.S. 115C-12(9) reads as rewritten:

"(9) Miscellaneous Powers and Duties. -- All the powers and duties exercised by the State Board of Education shall be in conformity with the Constitution and subject to such laws as may be enacted from time to time by the General Assembly. Among such duties are:

- a. To certify and regulate the grade and salary of teachers and other school employees.
- b. To adopt and supply textbooks.
- c. To adopt rules requiring all local boards of education to implement the Basic Education Program on an incremental basis within funds appropriated for that purpose by the General Assembly and by units of local government. Beginning with the 1991-92 school year, the rules shall require each local school administrative unit to implement fully the standard course of study in every school in the State in accordance with the Basic Education Program so that every student in the State shall have equal access to the curriculum as provided in the Basic Education Program and the standard course of study.

The Board shall establish benchmarks by which to measure the progress that each local board of education has made in implementing the Basic Education Program. The Board shall report to the Joint Legislative Education Oversight Committee and to the General Assembly by December 31, 1991, and by February 1 of each subsequent year on each local board's progress in implementing the Basic Education Program, including the use of State and local funds for the Basic Education Program.

The Board shall develop a State accreditation program that meets or exceeds the standards and requirements of the Basic Education Program. The Board shall require each local school administrative unit to comply with the State accreditation program to the extent that funds have been made available to the local school administrative unit for implementation of the Basic Education Program.

The Board shall use the State accreditation program to monitor the implementation of the Basic Education Program.

- c1. To issue an annual 'report card' for the State and for each local school administrative unit, assessing each unit's efforts to improve student performance based on the growth in performance of the students in each school and taking into account progress over the previous years' level of performance and the State's performance in comparison with other states. This assessment shall take into account factors that have been shown to affect student performance and that the State Board considers relevant to assess the State's efforts to improve student performance.
- c2. To develop a system of school building improvement reports for each school building. The purpose of school building improvement reports is to measure improvement in the growth in student performance at each school building from year to year, not to compare school buildings. The Board shall include in the building reports any factors shown to affect student performance that the Board considers relevant to assess a school's efforts to improve student performance. Local school administrative units shall produce and make public their school building improvement reports by March 15, 1997, for the 1995-96 school year, by October 15, 1997, for the 1996-97 school year, and annually thereafter. Each report shall be based on building-level data for the prior school year.
- c3. To develop guidelines, procedures, and rules to establish, implement, and enforce the School-Based Management and Accountability Program under Article 8B of this Chapter in order to improve student performance, increase local flexibility and control, and promote economy and efficiency.
- d. To formulate rules and regulations for the enforcement of the compulsory attendance law.
- e. To manage and operate a system of insurance for public school property, as provided in Article 38 of this Chapter.

In making substantial policy changes in administration, curriculum, or programs the Board should conduct hearings throughout the regions of the State, whenever feasible, in order that the public may be heard regarding these matters."

Sec. 2. Part 4 of Article 16 of Chapter 115C of the General Statutes, G.S. 115C-238.1 through G.S. 115C-238.8, is recodified as Article 8B of Chapter 115C of the General Statutes, G.S. 115C-105.20 through G.S. 115C-105.27.

Sec. 3. Article 8B of Chapter 115C of the General Statutes, as recodified by Section 2 of this act, reads as rewritten:

"ARTICLE 8B.

"School-Based Management and Accountability Program.

"Part 1. Implementation of Program.

"§ 115C-105.20. School-Based Management and Accountability Program.

(a) The General Assembly believes that all children can learn. It is the intent of the General Assembly that the mission of the public school community is to challenge with high expectations each child to learn, to achieve, and to fulfill his or her potential. With that mission as its guide, the State Board of Education shall develop a School-Based Management and Accountability Program. The Primary goal of the Program shall be to improve student performance.

(b) In order to support local boards of education and schools in the implementation of this Program, the State Board of Education shall adopt guidelines, including guidelines to:

- (1) Assist local boards and schools in the development and implementation of school-based management under Part 2 of this Article.

Senate Bill 1139

- (2) Recognize the schools that meet or exceed their goals.
- (3) Identify low-performing schools under G.S. 115C-105.30, and create assistance teams that the Board may assign to schools identified as low-performing under G.S. 115C-105.30. The assistance teams should consist of currently practicing teachers and staff, representatives of institutions of higher education, school administrators, and others the State Board considers appropriate.
- (4) Enable assistance teams to make appropriate recommendations under G.S. 115C-105.31.
- (5) Establish a process to resolve disputes between local boards and schools in the development and implementation of school improvement plans under G.S. 115C-105.22(b1). This process shall provide for final resolution of the disputes.

"§ 115C-105.21. Local participation in the Program.

(a) Local school administrative units shall participate in the School-Based Management and Accountability Program.

(b1) The School-Based Management and Accountability Program shall provide increased local control of schools with the goal of improving student performance. Local boards of education:

- (1) Are allowed increased flexibility in the expenditure of State funds, in accordance with G.S. 115C-105.21A; and
- (2) May be granted waivers of certain State laws, regulations, and policies that inhibit their ability to reach local accountability goals, in accordance with G.S. 115C-105.21B.

(c) The School-Based Management and Accountability Program shall be based upon an accountability, recognition, assistance, and intervention process in order to hold each school and the school's personnel accountable for improved student performance in the school.

"Part 2. School-Based Management.

"§ 115C-105.21A. Budget flexibility.

(a) Consistent with improving student performance, a local board shall provide maximum flexibility to schools in the use of funds to enable the schools to accomplish their goals.

(b) Subject to the following limitations, local boards of education may transfer and may approve transfers of funds between funding allotment categories:

- (1) In accordance with a school improvement plan accepted under G.S. 115C-105.22, State funds allocated for teacher assistants may be transferred only for personnel (i) to serve students only in kindergarten through third grade, or (ii) to serve students primarily in kindergarten through third grade when the personnel are assigned to an elementary school to serve the whole school. Funds allocated for teacher assistants may be transferred to reduce class size or to reduce the student-teacher ratio in kindergarten through third grade so long as the affected teacher assistant positions are not filled when the plan is amended or approved by the building level staff entitled to vote on the plan or the affected teacher assistant positions are not expected to be filled on the date the plan is to be implemented. Any State funds appropriated for teacher assistants that were converted to certificated teachers before July 1, 1995, in accordance with Section 1 of Chapter 986 of the 1991 Session Laws, as rewritten by Chapter 103 of the 1993 Session Laws, may continue to be used for certificated teachers.

- (2) In accordance with a school improvement plan accepted under G.S. 115C-105.22, (i) State funds allocated for classroom materials/instructional supplies/equipment may be transferred only for the purchase of textbooks; (ii) State funds allocated for textbooks may be transferred only for the purchase of instructional supplies, instructional equipment, or other classroom materials; and (iii) State funds allocated for noninstructional support personnel may be transferred only for teacher positions.
- (3) No funds shall be transferred into the central office allotment category.
- (4) Funds allocated for exceptional children and funds allocated for driver's education shall not be transferred.
- (5) Funds allocated for classroom teachers may be transferred only for teachers of exceptional children, for teachers of at-risk students, and for authorized purposes under the textbooks allotment category and the classroom materials/instructional supplies/equipment allotment category.
- (6) Funds allocated for vocational education may be transferred only in accordance with any rules that the State Board of Education considers appropriate to ensure compliance with federal regulations.
- (7) Funds allocated for career development shall be used in accordance with Section 17.3 of Chapter 324 of the 1995 Session Laws.

"§ 115C-105.21B. Waivers of State laws, rules, or policies.

(a) When included as part of a school improvement plan accepted under G.S. 115C-105.22, local boards of education shall submit requests for waivers of State laws, rules, or policies to the State Board of Education. A request for a waiver shall (i) identify the school making the request, (ii) identify the State laws, rules, or policies that inhibit the school's ability to improve student performance, (iii) set out with specificity the circumstances under which the waiver may be used, and (iv) explain how the requested waiver will permit the school to improve student performance. Except as provided in subsection (c) of this section, the State Board shall grant waivers only for the specific schools for which they are requested and shall be used only under the specific circumstances for which they are requested.

(b) When requested as part of a school improvement plan, the State Board of Education may grant waivers of:

- (1) State laws pertaining to class size, teacher certification, and the duty-free period for classroom teachers under G.S. 115C-301.1; and
- (2) State rules and policies, except those pertaining to public school State salary schedules and employee benefits for school employees, the instructional program that must be offered under the Basic Education Program, the system of employment for public school teachers and administrators set out in G.S. 115C-287.1 and G.S. 115C-325, health and safety codes, compulsory attendance, the minimum lengths of the school day and year, and the Uniform Education Reporting System.

(c) The State Board also may grant requests received from local boards for waivers of State laws, rules, or policies that affect the organization, duties, and assignment of central office staff only. However, none of the duties to be performed under G.S. 115C-436 may be waived.

(d) Notwithstanding subsections (b) and (c) of this section, the State Board shall not grant waivers of G.S. 115C-12(16)b. regarding the placement of State-allotted office support personnel, teacher assistants, and custodial personnel on the salary schedule adopted by the State Board.

(e) Notwithstanding subsection (b) of this section, the State Board may grant requests received from local boards for waivers of State laws, rules, or policies pertaining to the placement of principals on the State salary schedule for public school administrators in order to provide financial incentives to encourage principals to accept employment in a school that has been

identified as low-performing under G.S. 115C-105.30. The State Board shall act on requests under this subsection at the first Board meeting following receipt of each request.

(f) Except as provided in subsection (e) of this section, the State Board shall act within 60 days of receipt of all requests for waivers under this section.

(g) The State Board shall, on a regular basis, review all waivers it has granted to determine whether any rules should be repealed or modified or whether the Board should recommend to the General Assembly the repeal or modification of any laws.

"§ 115C-105.22. Development and approval of school improvement plans.

(b1) In order to improve student performance, each school shall develop a school improvement plan that takes into consideration the annual performance goal for that school that is set by the State Board under G.S. 115C-105.28. The principal of each school, representatives of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building, and parents of children enrolled in the school shall constitute a school improvement team to develop a school improvement plan to improve student performance. Parents serving on school improvement teams shall reflect the racial and socioeconomic composition of the students enrolled in that school and shall not be members of the building-level staff. Parental involvement is a critical component of school success and positive student achievement; therefore, it is the intent of the General Assembly that parents, along with teachers, have a substantial role in developing school improvement plans. To this end, school improvement team meetings shall be held at a convenient time to assure substantial parent participation. The strategies for improving student performance shall include a plan for the use of staff development funds that may be made available to the school by the local board of education to implement the school improvement plan. The strategies may include a decision to use State funds in accordance with G.S. 115C-105.21A. The strategies may also include requests for waivers of State laws, rules or policies for that school. A request for a waiver shall meet the requirements of G.S. 115C-105.21B.

Support among affected staff members is essential to successful implementation of a school improvement plan to address improved student performance at that school. The principal of the school shall present the proposed school improvement plan to all of the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for their review and vote. The vote shall be by secret ballot. The principal shall submit the school improvement plan to the local board of education only if the proposed school improvement plan has the approval of a majority of the staff who voted on the plan.

The local board of education shall accept or reject the school improvement plan. The local board shall not make any substantive changes in any school improvement plan that it accepts. If the local board rejects a school improvement plan, the local board shall state with specificity its reasons for rejecting the plan; the school improvement team may then prepare another plan, present it to the principals, assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for a vote, and submit it to the local to accept or reject. If no school improvement plan is accepted for a school within 60 days after its initial submission to the local board, the school or the local board may ask to use the process to resolve disagreements recommended in the guidelines developed by the State Board under G.S. 115C-105.20(b)(5). If this request is made, both the school and local board shall participate in the process to resolve disagreements. If there is no request to use that process, then the local board may develop a school improvement plan for the school. The General Assembly urges the local board to utilize the school's proposed school improvement plan to the maximum extent possible when developing such a plan.

A school improvement plan shall remain in effect for no more than three years; however, the school improvement team may amend the plan as often as is necessary or appropriate. If, at any time, any part of a school improvement plan becomes unlawful or the local board finds that a school improvement plan is impeding student performance at a school, the local Senate Bill 1139

board may vacate the relevant portion of the plan and may direct the school to revise that portion. The procedures set out in this subsection shall apply to amendments and revisions to school improvement plans.

"§ 115C-105.25. Distribution of staff development funds.

Any funds the local board of education makes available to an individual school building to implement the school improvement plan at that school shall be used in accordance with that plan.

Each local board shall distribute seventy-five percent (75%) of the funds in the staff development funding allotment to the schools to be used in accordance with that school's school improvement plan. By October 1 of each year, the principal shall disclose to all affected personnel the total allocation of all funds available to the school for staff development and the superintendent shall disclose to all affected personnel the total allocation of all funds available at the system level for staff development. At the end of the fiscal year, the principal shall make available to all affected personnel a report of all disbursements from the building-level staff development funds, and the superintendent shall make available to all affected personnel a report of all disbursements at the system level of staff development funds.

"§ 115C-105.26. Creation of the Task Force on School-Based Management.

(a) There is created the Task Force on School-Based Management under the State Board of Education.

The Task Force shall be composed of 20 members appointed as follows:

- (1) The Superintendent of Public Instruction;
- (2) One member of the State Board of Education, one parent of a public school child, and two at-large members appointed by the State Board of Education;
- (3) Two members of the Senate appointed by the President Pro Tempore of the Senate;
- (4) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;
- (5) One member of a local board of education appointed by the President Pro Tempore of the Senate after receiving recommendations from The North Carolina State School Boards Association, Inc.;
- (6) One member of a local board of education appointed by the Speaker of the House of Representatives after receiving recommendations from The North Carolina State School Boards Association, Inc.;
- (7) One local school superintendent appointed by the President Pro Tempore of the Senate after receiving recommendations from the North Carolina Association of School Administrators;
- (8) One local school superintendent appointed by the Speaker of the House of Representatives after receiving recommendations from the North Carolina Association of School Administrators;
- (9) One school principal appointed by the President Pro Tempore of the Senate after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals and the Division of Administrators' of the North Carolina Association of Educators;
- (10) One school principal appointed by the Speaker of the House of Representatives after receiving recommendations from the Tar Heel Association of Principals/Assistant Principals and the Division of Administrators of the North Carolina Association of Educators;
- (11) One school teacher appointed by the President Pro Tempore of the Senate after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.;

- (12) One school teacher appointed by the Speaker of the House of Representatives after receiving recommendations from the North Carolina Association of Educators, Inc., the North Carolina Federation of Teachers, and the Professional Educators of North Carolina, Inc.;
- (13) Repealed by Session Laws 1995, c. 324, s.17.
- (14) One representative of business and industry appointed by the Governor;
- (15) One representative of institutions of higher education appointed by the Board of Governors of The University of North Carolina; and
- (16) One county commissioner appointed by the State Board of Education after receiving recommendations from the North Carolina Association of County Commissioners.

Members of the Task Force shall serve for two-year terms.

All members of the Task Force shall be voting members. Vacancies in the appointed membership shall be filled by the officer who made the initial appointment. The Task Force on School-Based Management shall select a member of the Task Force to serve as chair of the Task Force.

Members of the Task Force shall receive travel and subsistence expenses in accordance with the provisions of G.S. 120-3.1, G.S. 138-5, and G.S. 138-6.

(b) The Task Force shall:

- (1) Advise the State Board of Education on the development of guidelines for local boards of education and schools to implement school-based management as part of the School-Based Management and Accountability Program;
- (2) Advise the State Board of Education on how to assist the public schools so as to facilitate the implementation of school-based management;
- (3) Advise the State Board of Education about publications to be produced by the Department of Public Instruction on the development and implementation of school improvement plans;
- (4) Report annually to the State Board of Education on the implementation of school-based management in the public schools on the first Friday in December. This report may contain a summary of recommendations for changes to any law, rule, and policy that would improve school-based management.

(c) The Department of Public Instruction shall, with the approval of the State Board of Education, provide staff to the Task Force at the request of the Task Force.

(d) The State Board of Education shall appoint a Director of the Task Force on School-Based Management.

"§ 115C-105.27. Parent involvement programs and conflict resolution programs as part of school improvement plans.

A school is encouraged to include a comprehensive parent involvement program as part of its school improvement plan under G.S. 115C-105.22. The State Board of Education shall develop a list of recommended strategies that it determines to be effective, which building level committees may use to establish parent involvement programs designed to meet the specific needs of their schools. The Board shall make the list available to local school administrative units and school buildings by the beginning of the 1994-95 school year.

A school is encouraged to review its need for a comprehensive conflict resolution program as part of the development of its school improvement plan under G.S. 115C-105.22. If a school determines that this program is needed, it may select from the list developed by the State Board of Education under G.S. 115C-81(a4) or may develop its own materials and curricula to be approved by the local board of education.

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"Part 3. School-Based Accountability.

"§ 115C-105.28. Annual performance goals.

The School-Based Management and Accountability Program shall (i) focus on student performance in the basics of reading, mathematics, and communications skills in elementary and middle schools, (ii) focus on student performance in courses required for graduation and on other measures required by the State Board in the high schools, and (iii) hold schools accountable for the educational growth of their students. To those ends, the State Board shall design and implement an accountability system that sets annual performance standards for each school in the State in order to measure the growth in performance of the students in each individual school.

"§ 115C-105.29. Performance recognition.

(a) The personnel in schools that achieve a level of expected growth greater than one hundred percent (100%) at a level to be determined by the State Board of Education are eligible for financial awards in amounts set by the State Board. Schools and personnel shall not be required to apply for these awards. For the purpose of this section, 'personnel' includes the principal, assistant principal, instructional personnel, instructional support personnel, and teacher assistants assigned to that school.

(b) The State Board shall establish a procedure to allocate the funds for these awards to the local school administrative units in which the eligible schools are located. Funds shall become available for expenditure July 1 of each fiscal year. Funds shall remain available until November 30 of the subsequent fiscal year for expenditure for:

- (1) Awards to the personnel; or
- (2) The purposes authorized in a plan that has been:
 - a. Developed and voted on by the personnel in the same manner that a school improvement plan is approved under G.S. 115C-105.22(b1);
 - b. Approved by a majority of the personnel who vote on the plan; and
 - c. Submitted to and approved by the local board of education.

The local board shall approve this plan unless the plan involves expenditures of funds that are not for a public purpose or that are otherwise unlawful.

"§ 115C-105.30. Identification of low-performing schools.

(a) The State Board of Education shall design and implement a procedure to identify low-performing schools on an annual basis. Low-performing schools are those in which there is a failure to meet the minimum growth standards, as defined by the State Board, and a majority of students are performing below grade level.

(b) Each identified low-performing school shall notify the parents of students attending that school that the State Board of Education has found that the school has failed to meet the minimum growth standards, as defined by the State Board, and a majority of students in that school are performing below grade level. This notification also shall include a description of the steps the school is taking to improve student performance.

"§ 115C-105.31. Assistance teams; review by State Board.

(a) The State Board of Education may assign an assistance team to any school identified as low-performing under this Article or to any other school that requests an assistance team and that the State Board determines would benefit from an assistance team. The State Board shall give priority to low-performing schools in which the educational performance of the students is declining. The Department of Public Instruction shall, with the approval of the State Board, provide staff as needed and requested by an assistance team.

(b) When assigned to an identified low-performing school, an assistance team shall:

- (1) Review and investigate all facets of school operations and assist in developing recommendations for improving student performance at that school.

- (2) Evaluate at least semiannually the personnel assigned to the school and make findings and recommendations concerning their performance.
- (3) Collaborate with school staff, central offices, and local boards of education in the design, implementation, and monitoring of a plan that, if fully implemented, can reasonably be expected to alleviate problems and improve student performance at that school.
- (4) Make recommendations as the school develops and implements this plan.
- (5) Review the school's progress.
- (6) Report, as appropriate, to the local board of education, the community, and the State Board on the school's progress. If an assistance team determines that an accepted school improvement plan developed under G.S. 115C-105.22 is impeding student performance at a school, the team may recommend to the local board that it vacate the relevant portions of that plan and direct the school to revise those portions.

(c) If a school fails to improve student performance after assistance is provided under this section, the assistance team may recommend that the assistance continues or that the State Board take further action under G.S. 115C-105.32.

(d) The State Board shall annually review the progress made in identified low-performing schools.

"§ 115C-105.32. Dismissal or removal of personnel; appointment of interim superintendent.

(a) Upon the identification of a school as low-performing under this Part, the State Board shall proceed under G.S. 115C-325(q)(1) for the dismissal of the principal assigned to that school.

(b) The State Board shall proceed under G.S. 115C-325(q)(2) for the dismissal of teachers, assistant principals, directors, and supervisors assigned to a school identified as low-performing in accordance with G.S. 115C-325(q)(2).

(c) The State Board may appoint an interim superintendent in a local school administrative unit:

- (1) Upon the identification of more than half the schools in that unit as low-performing under G.S. 115C-105.30; or
- (2) Upon the recommendation from an assistance team assigned to a school located in that unit that has been identified as low-performing under G.S. 115C-105.30. This recommendation shall be based upon a finding that the superintendent has failed to cooperate with the assistance team or has otherwise hindered that school's ability to improve.

The State Board may assign any of the powers and duties of the local superintendent and the local finance officer to the interim superintendent that the Board considers are necessary or appropriate to improve student performance in the local school administrative unit. The interim superintendent shall perform all of these assigned powers and duties. The State Board of Education may terminate the contract of any local superintendent entered into on or after July 1, 1996, when it appoints an interim superintendent. The Administrative Procedure Act shall apply to that decision. Neither party to that contract is entitled to damages.

(d) In the event the State Board has appointed an interim superintendent and the State Board determines that the local board of education has failed to cooperate with the interim superintendent or has otherwise hindered the ability to improve student performance in that local school administrative unit or in a school in that unit, the State Board may suspend any of the powers and duties of the local board of education that the State Board considers are necessary or appropriate to improve student performance in the local school administrative unit. The State Board shall perform all of these assigned powers and duties for a period of time to be specified by the State Board.

(e) If the State Board suspends any of the powers and duties of the local board of education under subsection (d) of this section and subsequently determines it is necessary to change the governance of the local school administrative unit in order to improve student performance, the State Board may recommend this change to the General Assembly, which shall consider, at its next session, the future governance of the identified local school administrative unit."

Sec. 4. Article 6A of Chapter 115C of the General Statutes is repealed.

Sec. 5. G.S. 115C-39 reads as rewritten:

"§ 115C-39. Removal of board members; suspension of duties by State Board.

(a) In case the State Board of Education has sufficient evidence that any member of a local board of education is not capable of discharging, or is not discharging, the duties of his office as required by law, or is guilty of immoral or disreputable conduct, the State Board of Education shall notify the chairman of such board of education, unless such chairman is the offending member, in which case all other members of such board shall be notified. Upon receipt of such notice there shall be a meeting of said board of education for the purpose of investigating the charges, and if the charges are found to be true, such board shall declare the office vacant: Provided, that the offending member shall be given proper notice of the hearing and that record of the findings of the other members shall be recorded in the minutes of such board of education.

(b) In the event the State Board of Education has appointed an interim superintendent under G.S. 115C-105.32 and the State Board determines that the local board of education has failed to cooperate with the interim superintendent, the State Board shall have the authority to suspend any of the powers and duties of the local board and to act on its behalf under G.S. 115C-105.32."

Sec. 6. G.S. 115C-274 reads as rewritten:

"§ 115C-274. Removal.

(a) Local boards of education are authorized to remove a superintendent who is guilty of immoral or disreputable conduct or who shall fail or refuse to perform the duties required of him by law. In case the State Board of Education has sufficient evidence at any time that any superintendent of schools is not capable of discharging, or is not discharging, the duties of his office as required by law or is guilty of immoral or disreputable conduct, the State Board of Education shall report this matter to the board of education employing said superintendent of schools. It shall then be the duty of that board of education to hear the evidence in the case and, if after careful investigation it shall find the charges true, it shall declare the office vacant at once and proceed to elect a successor: Provided, that such superintendent shall have the right to try his title to office in the courts of the State.

(b) If the superintendent shall fail in the duties enumerated in G.S. 115C-276(g), 115C-276(h), 115C-276(i), or any other duties as may be assigned him, he shall be subject, after notice, to an investigation by the State Board of Education or by his board of education for failure to perform his duties. For persistent failure to perform these duties, the State Board of Education may revoke the superintendent's certificate and the superintendent may be dismissed by his board of education.

(c) The identification by the State Board of Education of more than half the schools in a local school administrative unit as low-performing under GS. 115C-105.30 is evidence that the superintendent is unable to fulfill the duties of the office, and the State Board may appoint an interim superintendent to carry out the duties of the superintendent under G.S. 115C-105.32 may, revoke the superintendent's certificate under this section, may dismiss the superintendent under GS. 115C-105.32, or may take any combination of these actions."

Sec. 7. G.S. 115C-296 is amended by adding a new subsection to read:

"(d) The State Board of Education may revoke or refuse to renew a teacher's certificate when:

- (1) The Board identifies the school in which the teacher is employed as low performing under GS. 115C-105.30; and
- (2) The assistance team assigned to that school under G.S. 115C-105.31 makes the recommendation to revoke or refuse to renew the teacher's

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certificate for one or more reasons established by the State Board in its rules for certificate suspension or revocation."

----STUDENT PERFORMANCE

Sec. 7.1. G.S. 115C-288(a) is rewritten to read:

"§ 115C-288. Powers and duties of principal.

(a) To Grade and Classify Pupils. -- The principal shall have authority to grade and classify pupils except a principal shall not require additional testing of a student entering a public school from a school governed under Article 39 of this Chapter if test scores from a nationally standardized test or nationally standardized equivalent measure that are adequate to determine the appropriate placement of the child are available."

Sec. 8. G.S. 115C-325 is amended by adding a new subsection to read:

"(q) Procedure for Dismissal of School Administrators and Teachers Employed in Low-Performing Schools.

(1) Notwithstanding any other provision of this section or any other law, the State Board:

- a. Shall suspend with pay a principal who has been assigned to a school for more than two years before the State Board identifies that school as low-performing and assigns an assistance team to that school under Article 8B of this Chapter; and
- b. May suspend with pay a principal who has been assigned to a school for no more than two years before the State Board identifies that school as low-performing and assigns an assistance team to that school under Article 8B of this Chapter.

These principals shall be suspended with pay pending a hearing before a panel of three members of the State Board. The purpose of this hearing, which shall be held within 60 days after the principal is suspended, is to determine whether the principal shall be dismissed. The panel shall order the dismissal of the principal, at which time the period of suspension with pay shall expire, unless the panel makes a public determination that the principal has established that the factors that led to the identification of the school as low-performing were not due to the inadequate performance of the principal. The State Board shall adopt procedures to ensure that due process rights are afforded to principals under this subsection. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.

(2) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the State Board's dismissal of teachers, assistant principals, directors, and supervisors assigned to schools that the State Board has identified as low-performing and to which the State Board has assigned an assistance team under Article 8B of this Chapter. The State Board shall dismiss a teacher, assistant principal, director, or supervisor when the State Board receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team. These findings and recommendations shall be substantial evidence of the inadequate performance of the teacher or school administrator.

The State Board may dismiss a teacher, assistant principal, director, or supervisor when:

- a. The State Board determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school under G.S. 115C-105.31; and

- b. That assistance team makes the recommendation to dismiss the teacher, assistant principal, director, or supervisor for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career teacher.

A teacher, assistant principal, director, or supervisor may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this subdivision. The State Board shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.

- (3) The State Board of Education or a local board may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent a local board from refusing to renew the contract of any person employed in a school identified as low-performing under G.S. 115C-105.30.
- (4) Neither party to a school administrator contract is entitled to damages under this subsection.
- (5) The State Board shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection.

Section 8.1. The State Board of Education shall develop a comprehensive plan to improve reading achievement in the public schools. The plan shall be fully integrated with State Board plans to improve student performance and promote local flexibility and efficiency. The plan shall be based on reading instructional practices for which there is strong evidence of effectiveness in existing empirical scientific research studies on reading development. The plan shall be developed with the active involvement of teachers, college and university educators, parents of students, and other interested parties. The plan shall, if appropriate, include revision of the standard course of study, revision of teacher certification standards, and revision of teacher education program standards.

Sec. 8.2. The State Board of Education shall critically evaluate and revise the standard course of study so as to provide school units with guidance in the implementation of balanced, integrated, and effective programs of reading instruction. The General Assembly believes that the first, essential step in the complex process of learning to read is the accurate pronunciation of written words and that phonics, which is the knowledge of relationships of the symbols of the written language and the sounds of the spoken language, is the most reliable approach to arriving at the accurate pronunciation of a printed word. Therefore, these programs shall include early and systematic phonics instruction. The State Board shall provide opportunities for teachers, parents, and other interested parties to participate in this evaluation and revision.

Sec. 8.3. In order to reflect changes to the standard course of study and to emphasize balanced, integrated, and effective programs of reading instruction that include early and systematic phonics instruction, the State Board of Education, in collaboration with the Board of Governors of The University of North Carolina and with the North Carolina Association of Independent Colleges and Universities, shall review, evaluate, and revise current teacher certification standards and teacher education programs within the institutions of higher education that provide course work in reading instruction.

Sec. 8.4. Local boards of education are encouraged to review and revise existing board policies, local curricula, and programs of professional development in order to reflect changes to the standard course of study and to emphasize balanced, integrated, and effective programs of reading instruction that include early and systematic phonics instruction.

Sec. 8.5. (a) The State Board of Education shall report to the Joint Legislative Education Oversight Committee by December 31, 1996, and annually thereafter on the

comprehensive plan developed under Section 1 of this act. The first report shall include revisions made to the standard course of study, teacher certification standards, and teacher education programs. Subsequent reports shall address the effectiveness, based on factors including improved student performance in reading, of the implementation of the plan. The State Board may make recommendations to the General Assembly in any of its reports.

(b) The State Board shall disseminate to local boards of education by March 31, 1997, the changes to the standard course of study.

Sec. 8.6. G.S. 115C-81 is amended by adding a new subsection to read:

"(h) Character Education. -- Local boards of education may require the teaching of the following character traits in the public schools:

- (1) Courage. -- Having the determination to do the right thing even when others don't and the strength to follow your conscience rather than the crowd; and attempting difficult things that are worthwhile.
- (2) Good judgment. -- Choosing worthy goals and setting proper priorities; thinking through the consequences of your actions; and basing decisions on practical wisdom and good sense.
- (3) Integrity. -- Having the inner strength to be truthful, trustworthy, and honest in all things; acting justly and honorably.
- (4) Kindness. -- Being considerate, courteous, helpful, and understanding of others; showing care, compassion, friendship, and generosity; and treating others as you would like to be treated.
- (5) Perseverance. -- Being persistent in the pursuit of worthy objectives in spite of difficulty, opposition, or discouragement; and exhibiting patience and having the fortitude to try again when confronted with delays, mistakes, or failures.
- (6) Respect. -- Showing high regard for authority, for other people, for self, for property, and for country; and understanding that all people have value as human beings.
- (7) Responsibility. -- Being dependable in carrying out obligations and duties; showing reliability and consistency in words and conduct; being accountable for your own actions; and being committed to active involvement in your community.
- (8) Self-Discipline. -- Demonstrating hard work and commitment to purpose; regulating yourself for improvement and restraining from inappropriate behaviors; being in proper control of your words, actions, impulses, and desires; choosing abstinence from premarital sex, drugs, alcohol, and other harmful substances and behaviors; and doing your best in all situations."

Sec. 8.7. G.S. 115C-98 is amended by adding a new subsection to read:

"(b1) A local board of education may establish a community media advisory committee to investigate and evaluate challenges from parents, teachers, and members of the public to textbooks and supplementary instructional materials on the grounds that they are educationally unsuitable, pervasively vulgar, or inappropriate to the age, maturity, or grade level of the students. The State Board of Education shall review its rules and policies concerning these challenges and shall establish guidelines to be followed by community media advisory committees.

The local board, at all times, has sole authority and discretion to determine whether a challenge has merit and whether challenged material should be retained or removed."

LOCAL FLEXIBILITY

Sec. 9. G. S. 115C-84(d) is repealed.

Sec. 10. G. S. 115C-302(a)(1) reads as rewritten:

"(1) Academic Teachers. -- Regular state-allotted teachers shall be employed for a period of 10 calendar months. Each local board of education shall establish a set date on which monthly salary payments to regular State-allotted teachers shall be made. This set pay date may differ from the end of the calendar month of service. Teachers shall only be paid for the days employed as of the set pay date. Payment for a full month when days employed are less than a full month is prohibited as this constitutes prepayment. Teachers employed for a period of 10 calendar months in year-round schools shall be paid in 12 equal installments. Any individual teacher who is not employed in a year-round school may be paid in 12 monthly installments if the teacher so requests on or before the first day of the school year. Such request shall be filed in the local school administrative unit which employs the teacher. The payment of the annual salary in 12 installments instead of 10 shall not increase or decrease said annual salary nor in any other way alter the contract made between the teacher and the said local school administrative unit; nor shall such payment apply to any teacher who is employed for a period of less than 10 months. Included within the 10 calendar months employment shall be annual vacation leave at the same rate provided for State employees, computed at one twelfth (1/12) of the annual rate for State employees for each calendar month of employment; which shall be provided by each local board of education at a time when students are not scheduled to be in regular attendance. However, vacation leave for instructional personnel who do not require a substitute shall not be restricted to days that students are not in attendance. Included within the 10 calendar months employment each local board of education shall designate the same or an equivalent number of legal holidays occurring within the period of employment for academic teachers as those designated by the State Personnel Commission for State employees; on a day that employees are required to report for a workday but pupils are not required to attend school due to inclement weather, a teacher may elect not to report due to hazardous travel conditions and to take an annual vacation day or to make up the day at a time agreed upon by the employee and the employee's immediate supervisor or principal. Within policy adopted by the State Board of Education, each local board of education shall develop rules designating what additional portion of the 10 calendar months not devoted to classroom teaching holidays, or annual leave shall apply to service rendered before the opening of the school term, during the school term, and after the school term and to fix and regulate the duties of state-allotted teachers during said period, but in no event shall the total number of workdays exceed 200 days. If one or more scheduled teacher workdays are displaced due to hazardous weather conditions, a local board may select dates, including dates beyond the 10 calendar months during which teachers and their supervisors may agree to make up the displaced days provided the workdays fall within the fiscal year. Local boards may approve school improvement plans that include teacher workdays outside the 10 calendar months provided the workdays fall within the fiscal year. A teacher and the teacher's supervisor may agree to

schedule workdays outside the 10 calendar months provided the workdays fall within the fiscal year. Teachers may be paid on the tenth calendar month pay date for workdays scheduled to occur after the tenth calendar month but before the end of the fiscal year. A teacher who resigns, is dismissed, or whose contract is not renewed and who fails to make up previously agreed upon workdays scheduled after the 10 calendar months shall repay to the local board any salary payments owed due to the failure to make up the workdays. A teacher who continues to be employed by a local board but fails to make up previously agreed upon workdays scheduled after the 10 calendar months may be subject to dismissal under G.S. 115C-325. Local boards of education shall consult with the employed public school personnel in the development of the 10-calendar-months schedule."

Sec. 11. G.S. 115C-47(23) reads as rewritten:

"(23) To Purchase Equipment and Supplies. -- Local boards shall contract for equipment and supplies pursuant to the provisions of G.S. 115C-522(a) and 115C-528."

Sec. 12. G.S. 115C-47 (28) reads as rewritten:

"(28) To Enter Lease Purchase and Installment Purchase Contracts. -- Local boards may enter into lease purchase and installment purchase contracts as provided in G.S. 115C-528."

Sec. 13. G.S. 115C-522(a) reads as rewritten:

"(a) It shall be the duty of local boards of education to purchase or exchange all supplies, equipment and materials in accordance with contracts made by or with the approval of the Department of Administration. Title to instructional supplies, office supplies, fuel and janitorial supplies, enumerated in the current expense fund budget and purchased out of State funds, shall be taken in the name of the local board of education which shall be responsible for the custody and replacement: Provided, that no contracts shall be made by any local school administrative unit for purchases unless provision has been made in the budget of the unit to pay for the purchases, unless surplus funds are on hand to pay for the purchases, or unless the contracts are made pursuant to G.S. 115C-47(28) and G.S. 115C-528 and adequate funds are available to pay in the current fiscal year the sums obligated for the current fiscal year, and in order to protect the State purchase contractor, it is made the duty of the governing authorities of the local units to pay for these purchases promptly and in accordance with the terms of the contract of purchase."

Sec. 14. Article 37 of Chapter 115C is amended by adding a new section to read:

"§ 115C-528. Lease purchase and installment purchase contracts for certain equipment.

(a) Local boards of education may purchase or finance the purchase of automobiles; school buses; mobile classroom units; photocopiers; and computers, computer hardware, computer software, and related support services by lease purchase contracts and installment purchase contracts as provided in this section. Computers, computer hardware, computer software, and related support services purchased under this section shall meet the technical standards specified in the North Carolina Instructional Technology Plan as developed and approved under G.S. 115C-102.6A and G.S. 115C-102.6B.

(b) A lease purchase contract under this section creates in the local board the right to possess and use the property for a specified period of time in exchange for periodic payments and shall include either an obligation or an option to purchase the property during the term of the contract. The contract may include an option to upgrade the property during the term. A local board may exercise an option to upgrade without rebidding the contract.

(c) An installment purchase contract under this section creates in the property purchased a security interest to secure payment of the purchase price to the seller or to an individual or entity advancing moneys or supplying financing for the purchase transaction.

(d) The term of a contract entered into under this section shall not exceed the useful life of the property purchased. An option to upgrade shall be considered in determining the useful life of the property.

(e) A contract entered into under this section shall be considered a continuing contract for capital outlay and subject to G.S. 115C-441(c).

(f) A contract entered into under this section is subject to Article 8 of Chapter 159 of the General Statutes, except for G.S. 159-148(a)(4) and (b)(2).

(g) Subsections (e) and (f) of this section shall not apply to contracts entered into under this section so long as the term of each contract does not exceed three years and the total amount financed during any three-year period is no greater than two hundred fifty thousand dollars (\$250,000) or is no greater than three times the local board's annual State allocation for classroom materials, equipment, and instructional supplies, whichever is less. The local board shall submit information, including the principal and interest paid and the amount of outstanding obligation, concerning these contracts as part of the annual budget it submits to its board of county commissioners under Article 31 of this Chapter.

(h) No contract entered into under this section may contain a nonsubstitution clause that restricts the right of a local board to:

- (1) Continue to provide a service or activity; or
- (2) Replace or provide a substitute for any property financed or purchased by the contract.

(i) No deficiency judgment may be rendered against any local board of education or any unit of local government, as defined in G.S. 160A-20(h), in any action for breach of a contractual obligation authorized by this section, and the taxing power of a unit of local government is not and may not be pledged directly or indirectly to secure any moneys due under a contract authorized by this section."

Sec. 15. The Information Resource Management Commission shall develop and annually revise guidelines for determining the useful life of computers purchased under G.S. 115C-528. The Division of Purchase and Contract shall develop and periodically revise guidelines for determining the useful life of automobiles, school buses, and photocopiers purchased under G.S. 115C-528. The Local Government Commission shall develop and periodically revise guidelines for determining the useful life of mobile classroom units purchased under G.S. 115C-528. Guidelines for computers and photocopiers shall include provisions for upgrades during the term of the contract. The Information Resource Management Commission, the Division of Purchase and Contract, and the Local Government Commission shall provide their respective guidelines to the State Board of Education by November 1, 1996. The State Board of Education shall provide the guidelines to local boards of education by January 1, 1997.

Sec. 15.1. (a) State Board of Education shall develop and implement a pilot program allowing selected local school administrative units to purchase supplies, equipment, and materials from noncertified sources. In developing the program, the State Board shall collaborate with the Department of Administration on establishing standards, specifications, and any other measures necessary to implement and evaluate the pilot program. The State Board shall initially select twelve (12) local school administrative units that are diverse in geography and size to participate in the pilot program. If the State Board thereafter determines that the pilot program is effective, efficient, and in the best interest of the public schools, the State Board shall have the authority to expand the pilot program to additional local school administrative units.

(b) Local school administrative units participating in the pilot program shall have the authority to purchase the same supplies, equipment, and materials from noncertified sources as are available under State term contracts, subject to the following conditions:

- (1) The purchase price, including the cost of delivery, is less than the cost under the State term contract;
 - (2) The cost of the purchase shall not exceed the bid value benchmark established under G.S. 143-53.1;
 - (3) The local school administrative unit documents in writing the cost savings; and
 - (4) The local school administrative unit shall provide annually by August 15 an itemized report of the cost savings to the State Board of Education.
- (c) The requirements listed in subsection (b) of this section shall not apply to purchases from noncertified sources that fall below the economic ordering quantity of a State term contract.

(d) The State Board of Education shall provide to the Department of Administration copies of the itemized annual reports produced by the local school administrative units participating in the pilot program. The State Board shall evaluate the information provided by the participating units and shall report its findings and recommendations to the Joint Legislative Education Oversight Committee by October 1, 1997, and annually thereafter.

Sec. 16. G.S. 115C-326 reads as rewritten:

"§ 115C-326. Performance standards and criteria for professional employees; law suits arising out of this section.

(a) The State Board of Education, in consultation with local boards of education, shall develop uniform performance standards and criteria to be used in evaluating professional public school employees. It shall develop rules to recommend the use of these standards and criteria in the employee evaluation process. The performance standards and criteria may be modified in the discretion of the Board.

Local boards of education shall adopt rules to provide for the evaluation of all professional employees defined as teachers in G.S. 115C-325(a)(6). All teachers shall be evaluated annually unless a local board adopts rules that allow specified categories of teachers with career status to be evaluated less frequently. Local boards may also adopt rules requiring the annual evaluation of other school employees not specifically covered in this section. Local boards may develop and use alternative evaluation approaches for teachers provided the evaluations are properly validated. Local boards that do not develop alternative evaluations shall utilize the performance standards and criteria adopted by the State Board of Education, but are not limited to those standards and criteria.

(b) If any claim is made or any legal action is instituted against an employee of local school administrative unit on account of an act done or an omission made in the course of the employee's duties in evaluating employees pursuant to this section, the local board of education, if the employee is held not liable, shall reimburse the employee for reasonable attorney's fees.

Sec. 17. G.S. 115C-47 is amended by adding a new subdivision to read:

"(33a) To Approve and Use Textbooks Not Adopted by State Board of Education. -- Local boards of education shall have the authority to select, procure, and use textbooks not adopted by the State Board of Education as provided in GS. 115C-98(b1)."

Sec. 18. G.S. 115C-85 reads as rewritten:

"§ 115C-85. Textbook needs are determined by course of study.

When the State Board of Education has adopted, upon the recommendation of the Superintendent of Public Instruction, a standard course of study at each instructional level in the elementary school and the secondary school, setting forth what subjects shall be taught at each level, it shall proceed to select and adopt textbooks.

As used in this part, 'textbook' means systematically organized material comprehensive enough to cover the primary objectives outlined in the standard course of study for a grade or course. Formats for textbooks may be print or nonprint, including hardbound books, softbound books, activity-oriented programs, classroom kits, and technology-based programs that require the use of electronic equipment in order to be used in the learning process.

Textbooks adopted in accordance with the provisions of this Part shall be used by the public schools of the State except as provided in G.S. 115C-98(b1)."

Sec. 19. G.S. 115C-98 reads as rewritten:

"§ 115C-98. Local boards of education to provide for local operation of the textbook program, the selection and procurement of other instructional materials, and the use of nonadopted textbooks.

(a) Local boards of education shall adopt rules not inconsistent with the policies of the State Board of Education concerning the local operation of the textbook program.

(b) Local boards of education shall adopt written policies concerning the procedures to be followed in their local school administrative units for the selection and procurement of supplementary textbooks, library books, periodicals, audiovisual materials, and other supplementary instructional materials needed for instructional purposes in the public schools of their units.

Local boards of education shall have sole authority to select and procure supplementary instructional materials, whether or not the materials contain commercial advertising, to determine if the materials are related to and within the limits of the prescribed curriculum, and to determine when the materials may be presented to students during the school day. Supplementary materials and contracts for supplementary materials are not subject to approval by the State Board of Education.

Supplementary books and other instructional materials shall neither displace nor be used to the exclusion of basic textbooks.

(b1) Local boards of education may:

(1) Select, procure, and use textbooks that have not been adopted by the State Board of Education for use throughout the local school administrative unit for selected grade levels and courses; and

(2) Approve school improvement plans developed under G.S. 115C-105.22 that include provisions for using textbooks that have not been adopted by the State Board of Education for selected grade levels and courses.

All textbook contracts made under this subsection shall include a clause granting to the local board of education the license to produce braille, large print, and audiocassette tape copies of the textbooks for use in the local school administrative unit.

(c) Funds allocated by the State Board of Education or appropriated in the current expense or capital outlay budgets of the local school administrative units, may be used for the above-stated purposes."

Sec. 20. G.S. 115C-112 is repealed.

Sec. 21. G.S. 115C-391 is amended by adding a new subsection to read:

"(g) Notwithstanding the provisions of this section, the policies and procedures for the discipline of students with disabilities shall be consistent with federal laws and regulations."

CONFORMING CHANGES

Sec. 22. G.S. 115C-105.3 reads as rewritten:

"115C-105.3. Purpose.

The purpose of the Commission is to develop high and clearly defined education standards for the public schools of North Carolina. These standards shall specify the skills and the knowledge that high school graduates should possess in order to be competitive in the modern

economy. The purpose of the Commission is also to develop fair and valid assessments to assure that high school graduates in North Carolina meet these standards. No later than the Spring semester of the year 2000 or as soon as the State Board of Education adopts the standards and system of assessments, every graduating high school senior shall be required to achieve these standards as a condition for receiving a diploma.

These high standards and assessments shall focus on the key skills needed by students as they strive to be successful after high school and shall reflect the high expectations for every student demanded by the State's education mission in G.S. 115C-81(a) and G.S. 115C-105.20. Once these key skills are identified, parents, teachers, and the entire school community should be encouraged to help each student meet the student's fullest potential."

Sec. 23. G.S. 115C-238.23 reads as rewritten:

"§ 115C-238.23. Implementation by local school boards.

If a school administrative unit decides to proceed with the project the following procedures shall be followed:

(a) The local board in a participating local school administrative unit shall select a school building that is under construction as its first school under the project.

(b) The local board shall issue a request for proposals for leadership teams to bid to operate the selected school. A team shall mean three or more individuals. To reflect the diversity required to implement the purpose of the project defined in G.S. 115C-238.22, the abilities and experience of team members may include: administrative and educational policy and planning skills; familiarity with technology for schools; management and classroom experience; and familiarity with the needs of diverse and special populations. One member shall be designated as the principal or leader of the team. At least twenty-five percent (25%) of the team members shall be certificated in accordance with the regulations of the State Board of Education.

Team members awarded the contract shall, if not already, become employees of the local board and become subject to local personnel policies.

(c) The request for proposals shall include the following minimum requirements:

- (1) A statement of principles that the local board wants the bidding teams to address;
- (2) A specified amount of money available for the operation of the building, which amount shall be within the limits of funds available for the size of school being opened for bid;
- (3) A framework for accountability plans by which the success of the project site can be measured, which accountability plans shall include the student performance indicators adopted by the State Board of Education pursuant to the School Improvement and Accountability Act of 1989, and shall include factors such as student, parent, and employee satisfaction, parental involvement, community service, and evidence of a focus on developing thinking and reasoning skills;
- (4) The student population of a Genesis school shall be representative of its local school administrative unit, shall be racially balanced, and students shall be assigned on a geographic basis;
- (5) The mission of the school shall not establish religion nor prohibit the free exercise thereof insofar as that is permitted in a public school by the North Carolina and United States Constitutions; and
- (6) Bidding teams shall address how the criteria listed in G.S. 115C-81(b) will be met or varied by the Genesis program.

The local board may include other requirements in the request for proposals.

(d) The local board shall secure private funding for any additional non-State and nonlocal funds required for the project before awarding a contract to a team to operate the selected school.

(e) The local board shall appoint an advisory committee composed of educators, elected officials, parents of children enrolled in the local school administrative unit, and community leaders

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from within and without the local school administrative unit to screen proposals for the school building and to make recommendations to the local board of education on the proposals.

The local board shall consider the recommendations of the advisory committee and shall award the contract. All contract negotiations and the award of the contract shall be conducted in open session notwithstanding G.S. 143-318.11(a)(9). The contract shall be for a term not to exceed four years. It may be terminated by the local board at any time for any reason it deems sufficient; it may be terminated by the team for any reason it deems sufficient, but only at the end of a school year and only with 60 days' written notice to the local board of education.

(f) The team that receives the contract shall interview and select all personnel for the building. The team may select personnel from the current employees of the local board. All teachers employed in a Genesis school shall hold or be qualified to hold a certificate in accordance with the regulations of the State Board of Education or the School Improvement and Accountability Act of 1989. The local board shall hire those persons selected by the team so long as those positions are within State, local, and other funds approved for this project by the local board. In no event shall a local board dismiss or demote any employee pursuant to G.S. 115C-325(e)(1)1. as a result of a Genesis project.

Hiring shall take place no later than July 1, prior to the opening of the new building. The team shall begin conducting training and planning sessions as staff is hired.

The local board or the management team may employ noncertificated persons on a temporary basis or for special projects.

(g) The participating school building team shall initiate a comprehensive accountability program immediately. The results shall be published annually and compared to those of traditional schools.

(h) After the third and fourth years of the project, the local board shall review student achievement results of the existing project site. After the fourth year of the project the local board may decide whether to continue the project in the first school and whether an additional building within the school system shall be added to the project. If the board decides to expand the project to a second school the procedures outlined in this section shall be followed.

The second school chosen for the project shall be an existing school that is producing below average results in student achievement as compared to other schools in the unit. Criteria which may be considered to evaluate student achievement may include: test scores, the success of graduating students, attendance, graduation and dropout rates, the numbers of children enrolled in free lunch or Chapter 1 programs, the education level of the parents of children enrolled in the school, the teaching experience of the school staff, and whether the building has been successful in meeting the goals of the systemwide plan developed in accordance with the School Improvement and Accountability Act of 1989."

Sec. 24. G.S. 115C-238.31(a) reads as rewritten:

"(a) Local school administrative units are encouraged to implement extended services programs that will expand students' opportunities for educational success through high-quality, integrated access to instructional programming during nonschool hours. Extended services programs may be incorporated into school improvement plans developed in accordance with G.S. 115C-105.22. Calendar alternatives include, but are not limited to, after-school hours, before-school hours, evening school, Saturday school, summer school, and year-round school. Instructional programming may include, but is not limited to, tutoring, direct instruction, enrichment activities, study skills, and reinforcement projects."

Sec. 25. G.S. 115C-276(q) reads as rewritten:

"(q) To Assign School Principals. -- Subject to local board policy, the superintendent shall have the authority to assign principals to school buildings. When making an assignment, the superintendent shall consider (i) whether a principal has demonstrated the leadership ability to increase student achievement at a school where conditions indicated a significant risk of low student performance; and (ii) how to maintain stability at a school where, during the time the

principal has been at a school, there has been significant improvement on end-of-course or end-of-grade tests and other accountability measures developed by the State Board of Education."

Sec. 26. G.S. 115C-302(e) reads as rewritten:

"(e) It is the policy of the State of North Carolina to enhance the teaching profession by providing teachers with career opportunities that do not remove them from the classroom; to encourage the development and implementation of a professional salary schedule that complements the system of differentiation; to have salaries of professional educators in elementary and secondary schools based upon performance, degree attained, differentiation and the needs of the local school administrative unit; and to begin, in the school year beginning in 1986, a differential salary system based upon performance, differentiation, local availability of classroom teachers, geographical location of the employing local school administrative unit and such other factors as the local board of education shall deem necessary.

Performance shall be measured by evaluations which are administered pursuant to G.S. 115C-326. Differentiation shall be based upon superior performance over a period of time plus other responsibilities. Needs of the local school administrative unit over and above the standard course of study shall be defined by the local board of education exclusively funded from revenues provided at the discretion of the board of county commissioners or from other local funds under the control of the local board of education.

Each salary may include a local variable component, determined locally and based upon the needs and condition of the local school administrative unit. This local variable component shall be paid from local revenue."

Sec. 27. Notwithstanding G.S. 115C-105.21A(1), the State Board of Education shall authorize pilot projects in the Mecklenburg County School Administrative Unit and in the Burke County School Administrative Unit so that the boards of education in those units may use State funds from the allotment for teacher assistants for certificated teachers in order to reduce class size or the student-teacher ratio in kindergarten through third grade, in accordance with school improvement plans developed under G.S. 115C-105.22. No waivers from the State Board of Education are required for this use of funds.

---STREAMLINE APA FOR ABC PLAN

Sec. 28. (a) G.S. 150B-21.2(a)(1) shall not apply to proposed rules adopted by the State Board of Education if the proposed rules are directly related to the implementation of this act.

(b) Notwithstanding G.S. 150B-21.3(b), a permanent rule that is adopted by the State Board of Education, is approved by the Rules Review Commission, and is directly related to the implementation of this act, shall become effective five business days after the Commission delivers the rule to the Codifier of Rules, unless the rule specifies a later effective date. If the State Board of Education specifies a later effective date, the rule becomes effective upon that date. A permanent rule that is adopted by the State Board of Education that is directly related to the implementation of this act, but is not approved by the Rules Review Commission, shall not become effective.

(c) G.S. 150B-21.4(b1) shall not apply to permanent rules the State Board of Education proposes to adopt if those rules are directly related to the implementation of this act.

(d) The State Board of Education shall determine whether a proposed rule is directly related to this act based upon a finding that there is a rational relationship between the proposed rule and specific provisions of this act. A proposed rule may create, amend, or repeal a rule. The State Board shall indicate in the notice of proposed text that the rule is directly related to the implementation of this act and that the Board is proceeding under the authority granted by this act.

(e) The State Board of Education shall provide written notice to all boards of county commissioners and all local boards of education of proposed rules that are directly related to the implementation of this act and that would affect the expenditures or revenues of a unit of local

government under G.S. 150B-21.4(b). The notice shall state that a copy of the fiscal note may be obtained from the State Board.

(f) This section shall not apply to Sections 11-15.1 of this act.

----REPORTING

Sec. 29. (a) The State Board of Education shall submit a progress report to the Joint Legislative Education Oversight Committee by December 15, 1996, regarding the implementation of this act including accountability system performance standards, implementation plans for grades 9 through 12, the rules and guidelines adopted under this act, reliability and validity of assessments used for the purpose of this act, and an evaluation of the pilot programs developed under Section 17.10 of Chapter 507 of the 1995 Session Laws.

(b) Beginning October 15, 1997, and annually thereafter, the State Board of Education shall submit reports to the Joint Legislative Education Oversight Committee regarding the continued implementation of this act. Each report shall include information regarding the composition and activity of assistance teams, those schools that received incentive awards, those schools that were identified as low-performing, school improvement plans found to significantly improve student performance, personnel actions taken in low-performing schools, and recommendations for additional legislation to improve student performance and increase local flexibility.

(c) The State Board of Education shall develop a plan that encourages teachers to seek employment or remain employed in schools that have been identified as low-performing under CS. 115C-105.30. The plan shall include recommendations regarding additional compensation for (i) newly recruited teachers, and (ii) currently employed teachers whose students have shown significant improvement in academic performance. The State Board shall submit its plan to the Joint Legislative Education Oversight Committee by December 15, 1996.

Sec. 30. G.S. 143-57.1 reads as rewritten:

"§ 143-57.1. Furniture requirements contracts.

(a) To ensure agencies access to sufficient sources of furniture supply and service, to provide agencies the necessary flexibility to obtain furniture that is compatible with interior architectural design and needs, to provide small and disadvantaged businesses additional opportunities to participate on State requirements contracts, and to restore the traditional use of multiple award contracts for purchasing furniture requirements, each State furniture requirements contract shall be awarded on a multiple award basis, subject to the following conditions:

- (1) Competitive, sealed bids must be solicited for the contract in accordance with Article 3 of Chapter 143 of the General Statutes unless otherwise provided for by the State Purchasing Officer pursuant to that Article.
- (2) Subject to the provisions of this section, bids shall be evaluated and the contract awarded in accordance with Article 3 of Chapter 143 of the General Statutes.
- (3) For each category of goods under each State requirements furniture contract, awards shall be made to at least three qualified vendors unless the State Purchasing Officer determines that three qualified vendors are not available or that it is in the best interest of the State to make fewer awards. The State Purchasing Officer, subject to the approval of the Board of Award, shall state his reasons in writing for making fewer awards and the written documentation shall be maintained as part of the bid file and subject to public inspection.
- (4) An agency may purchase from any vendor certified on the contract but shall make the most economical purchase that it determines meets its needs, based upon price, compatibility, service, delivery, freight charges, and other factors that it considers relevant.

(b) For purposes of this section, 'furniture requirements contract' means State requirements contracts for casegoods, classroom furniture, bookcases, ergonomic chairs, office swivel and side chairs, computer furniture, mobile and folding furniture, upholstered seating, commercial dining tables, and related items."

Sec. 31. With respect to a furniture requirements contract that is not currently under G.S. 143-57.1, an agency may purchase from any vendor certified on the contract but shall make the most economical purchase that it determines meets its needs, based upon price, compatibility, service, delivery, and other factors that it considers relevant.

---EFFECTIVE DATES

Sec. 32. (a) Section 15.1 of this act becomes effective July 1, 1996, and applies to State term contracts for which bids or offers are solicited on or after that date.

(b) The remainder of the act is effective upon ratification.

(c) Part 3 of Article 8B of Chapter 115C of the General Statutes, as rewritten in Section 3 of this act, applies to any school that has any grades of kindergarten through eighth grade beginning with the 1996-97 school year, and to the remaining schools beginning with the 1997-98 school year. The State Board shall establish appropriate deadlines for the development of school improvement plans after July 1, 1996.

In the General Assembly read three times and ratified this the 21st day of June, 1996.

DENNIS A. WICKER

Dennis A Wicker
President of the Senate

HAROLD J. BRUBAKER

Harold J Brubaker
Speaker of the House of Representatives

WHERE TO CALL

Division of School Improvement

School Assistance Services

- Analyze and interpret test data
- Confer with local school improvement teams
- Develop summary of findings and indicate actions and services based on the schools' identified needs
- Serve as DPI liaison to schools/systems requesting services

For elementary schools -- JoAnn Sanderson (919) 715-2209

For middle schools -- Patti Smith (919) 715-2220

Effective Practices

- Identify research-based instructional strategies and educational programs based on needs identified in school assistance plans
- Identify promising practices for all schools
- Assist schools in validating programs through the National Diffusion Network (NDN)
- Manage NDN and showcase programs
- Develop documents on effective and promising practices
- Disseminate information on effective and promising practices

Sylvia Massey, Section Chief (919) 715-1733

Staff Development Coordination

- Develop standards for quality professional development activities
- Participate actively in the development of assistance plans as they relate to local school improvement plans
- Manage and coordinate professional development activities for designated schools
- Identify resources and trainers for professional development activities in which the Department is not providing direct assistance

Main Number (919) 715-1865

Student Support

- Provide training on policies and procedures pertaining to dropout data collection and reporting
- Assess school-based prevention and intervention initiatives and recommend ways to ensure continuous improvement of program outcomes

- Assist schools in identifying program improvement opportunities to prevent alcohol and substance abuse
- Consult with school administrators on laws and administrative procedures pertaining to school health services
- Consult with school social workers on effective programs and services that support local efforts to improve student outcomes

Main Number

(919) 715-1635

Instructional Support - Safe Schools

- Assist with the actual and perceived safety, security, and accessibility of the school
- Promote acceptance and respect between and among individuals and groups in schools
- Improve adaptation and individualization of instruction to meet student needs
- Design programs and services to address prevention and early identification of learning and behavior problems
- Enhance parental involvement
- Assist with development and use of efficient and effective student assistance teams
- Interpret state and federal laws and guidelines related to support services for students

Dennis Stacey, Section Chief
Main Number

(919) 715-1632
(919) 715-1890

Division of Instructional Services

English Language Arts
Jan Williamson

(919) 715-1875

Mathematics and Science
Main Number
Michael Kestner, Section Chief

(919) 715-1870
(919) 715-1862

Arts Education, Healthful Living, Driver Education
Main Number
Artie Kamiya, Section Chief

(919) 715-1818
(919) 715-1824

Second Languages/English as a Second Language, Information and Computer Skills
Main Number

(919) 715-1677

Social Studies
Doug Robertson

(919) 715-2977

Biotechnology, Health Care and Career Development
Main Number
Nancy Raynor, Section Chief

(919) 715-1765
(919) 715-1765

Industrial Technology and Human Services

Main Numbers (919) 715-1771
(919) 715-1706
Rebecca Payne, Section Chief (919) 715-1764

Business and Marketing Skills

Main Number (919) 715-1666
Kenneth Smith, Section Chief (919) 715-1661

Division of Accountability and Testing***Accountability Division***

Main Number (919) 715-1348

Testing Section***Overall Testing Issues***

Mildred Bazemore, Section Chief (919) 715-1182

Rules and Regulations Regarding Testing

Doris Tyler (919) 715-1216

Helpdesk

Karen Davis (919) 715-1215

Iowa Test of Basic Skills***National Assessment of Education Progress******Local Option Testing***

Rod Moore (919) 715-1186

Policies and Procedures for Testing, Exceptional Children Testing

Monica Geary (919) 715-1195

Linking Studies, Statistical Analyses

Ellie Sanford (919) 715-1214

Writing Tests, Open-ended Tests

Daisy Vickers (919) 715-1194

Test Data Collection, SCANXX Program

George Stubblefield (919) 715-1187

Testing and Accountability Reporting

Cassandra Atkinson (919) 715-1184

Educational Research and Evaluation Consultant

Ken Barbour, Computing Consultant

(919) 715-1225

Evaluation

Carolyn Cobb, Section Chief

(919) 715-1351

Division of Exceptional Children

Main Number

(919) 715-1566